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BY

ARMISTEAD C. GORDON

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1918

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JEFFERSON DAVIS



JEFFERSON DAVIS

CHAPTER I

ANCESTRY AND EARLY YEARS

THE ancestry of Jefferson Davis, like that of his great democratic prototype and namesake, Thomas Jefferson, was Welsh. Of this ancestry he knew little, and for it he cared less. Not long before his last journey to his home at Davis Bend, he dictated to a friend a brief biography of himself, in which is indicated his lack of accurate knowledge in regard to his origin, but which contains enough of family tradition to vindicate what has since been discovered concerning it.

"Three brothers," he said, "came to America from Wales in the early part of the eighteenth century. They settled at Philadelphia. The youngest of the brothers, Evan Davis, removed to Georgia, then a colony of Great Britain. He was the grandfather of Jefferson Davis. He married a widow, whose family name was Emory. By her he had one son, Samuel Davis, the father of Jefferson Davis."¹

¹ *Memoir*, I, p. 3.

There are a number of traditions and stories of Davis's origin and ancestry; but the true story is probably that disclosed by the records of the Welsh Tract Baptist Meeting in Pencader Hundred, New Castle County, Delaware, which contain an account of the origin, settlement, and development of a religious congregation of immigrants from Wales, of which one Shion Dafydd, as his name appears in Welsh upon their pages, was a member.

Early in the eighteenth century William Penn granted to David Evans and William Davis thirty thousand acres of land, which, under the conditions of the grant, were to be divided and conveyed to immigrants from South Wales, some of whom were already settled in Radnor Township, Chester County, Pennsylvania. This grant, still known as "The Welsh Tract," lies partly in Pencader Hundred, in New Castle County, and partly in Cecil County, Maryland. Prominent among the settlers who came to take up Penn's grant were those who founded "the Baptist Church Meeting near the Iron Hill, in Pencader Hundred, in New Castle County."

The meeting-house *Records* tell the quaint story of the emigration of the earliest members out of the counties of Pembroke and Caermarthen, in South Wales, to Pennsylvania. They were plain people, who worked with their hands, as tillers of the soil, carpenters, and artisans. John Davis,

who in Wales had been Shion Dafydd, the immigrant progenitor of Jefferson Davis, and John's brother, David, are both denominated "turners" in the deeds conveying the lands which they got from William Penn's patentees in Pencader Hundred.¹

The members of the Welsh Tract Meeting were non-conformists, and were professed believers in "baptism, laying on of hands, election, and final perseverance in grace." They were earnest propagandists, and sent out their colonies in various directions, as Pennsylvania, Maryland, Virginia, and the Pedee River section of South Carolina.

During his life Jefferson Davis came under various denominational influences. His father's family were Baptist, and he attended schools which were of Catholic, Presbyterian, and Unitarian direction; while in his later years he became an Episcopalian. But, though a devout and consistent member of the church of his final choice, he was a "religious cosmopolitan." Caring little for sectarian creed, he was as much at home in one place of religious assemblage as in another.²

Shion Dafydd's name appears among the signers of "A large confession of faith put forth by upwards of a hundred congregations, holding believers, bap-

¹ *Ancestry*, p. 27; *Mississippi Valley Historical Review*, extra number, April, 1917, p. 151.

² Fleming, *Religious Life*, pp. 327, 342.

tism, election, and final perseverance," which, for the benefit of the Welsh Tract Meeting, "was translated to Welsh by Abel Morgan, (minister of the gospel in Philadelphia), to which was added, An article relative to Laying-on-of-hands; singing Psalms; and Church-covenants." This document was signed by the members of the quarterly meeting, February 4, 1716.¹

There are a number of other Dafydds and Davids on the Welsh Tract roster; and the name "John" is written there, with sturdy indifference, Shon, Shons, and Shion; while Davis appears in its English form in the list as well as in the vernacular of the Welsh Dafydd.

Penn's grantee, William Davis, who, with David Evans, had received the "Welsh Tract Grant," conveyed, on May 21, 1717, four hundred acres to John and David Davis. John Davis had a son named David, who was older than his brother, Evan Davis; but the John and the David of the deed were brothers. The latter married Martha Thomas, and they were the parents of the famous Presbyterian divine and president of Princeton College, Samuel Davies.² A later deed for this tract of four hundred acres was executed May 16, 1743, by John Davis and Ann, his wife, to David Davies, who is described in it as the David Davis of the deed of 1717.

¹ *Records*, part I, pp. 18, 21.

² *Records*, part I, p. 26.

It is uncertain when Evan Davis, who was born in Philadelphia,¹ went South, whither a large colony had already gone out from "the Tract" in 1735. This colony settled at a place which they called "Welsh Neck" on the Pedee River, in South Carolina. The church at Welsh Neck was later eclipsed in religious fame by "Kioka Meeting House" in Georgia, near the Savannah River, which was attended by members from both South Carolina and Georgia; and thither Evan Davis moved. He had married, probably at Welsh Neck, "the widow Williams," whose maiden name was Emory, and who is said to have "illustrated the power and the worth of woman."

Of this marriage was born in 1756 Samuel Davis, the father of Jefferson Davis. He is supposed to have been named in honor of his kinsman, the great preacher, who had then become distinguished both in America and Europe.

Evan Davis's wife survived him, and managed to give her son Samuel an education in "the three R's."² When he was about twenty years old, his mother sent him with supplies to his two half-brothers, David and Isaac Williams, who were at that time in the Continental army. Samuel determined also to enlist, and joined them, remaining in the war until its close. "After several years

¹ *Genealogy*, pp. 12, 50.

² *Memoir*, I, p. 4; *Genealogy*, pp. 50, 51.

of soldiering," writes his son Jefferson, "he had gained sufficient experience and confidence to raise a company of infantry in Georgia. He went with them to join the Revolutionary patriots then besieged at Savannah."

Captain Samuel Davis appears to have taken his company thence into South Carolina. That his services were recognized and highly esteemed by that State is evinced by its grant to him of a thousand acres of land.

During the Revolutionary War Samuel Davis's mother died; and, upon his return home, he found the place where she had lived in an uninhabitable condition. He moved away and settled near Augusta, where he resided for several years. "His early education," says his son, "had qualified him for the position of county clerk, and the people who had known him from boyhood gave him that office."¹

In 1796 he went from Georgia to southwestern Kentucky, and engaged in tobacco-planting and in horse-raising in Christian County, in "what was known as the Green River country." Here, in a small farmhouse of one story, was born, on the 3d of June, 1808, Jefferson, the youngest of the children of Samuel Davis and his wife, Jane Cook.

The part of Christian County where Samuel Davis resided is now in Todd County. Here he

¹ *Memoir*, I, pp. 3, 4; *Dodd, Life*, p. 16.

continued to live until about 1809, when he again moved to a place in Bayou Tèche Parish, Louisiana. But the climate of his new home was not suited to the health of his household; and he departed from Bayou Tèche, and finally established himself on a farm a mile east of Woodville, in Wilkinson County, Mississippi, where he died July 4, 1824.

Samuel Davis is described by his son as "naturally a grave and stoical character, and of such sound judgment that his opinions were a law to his children, and quoted by them long after he had gone to his final rest, and when they were growing old."

His "sound judgment," however, does not appear to have helped Samuel Davis to accumulate the material things of life; or else his roving disposition, acquired, perhaps, during the military service of his younger years, hindered him. In the year prior to his death he visited Philadelphia. While on this journey he wrote to his son Jefferson, then at Transylvania University, in Kentucky, a letter in which he expresses the fear that "all is lost here by lapse of time," and exhorts the boy to "remember the short lessons of instruction offered you before our parting. Use every possible means to acquire useful knowledge, as knowledge is power, the want of which has brought mischief and misery on your father in old age."¹

¹ *Genealogy*, pp. 13, 14.

Of his mother Jefferson Davis writes that Samuel Davis had first met her during his military service in South Carolina, and that "after the war they were married. Her maiden name was Jane Cook. She was of Scotch-Irish descent, and was noted for her beauty and sprightliness of mind."¹

Samuel and Jane Davis had ten children, five sons and five daughters, "and all of them arrived at maturity except one daughter."

Three of the sons were soldiers in the War of 1812.² In Wilkinson County young Jefferson attended a country log-cabin school, in the vicinity of his father's house, until he was seven years of age. The boy was then sent on horseback, with a party of his father's friends, through the Choctaw and Chickasaw country to Kentucky, and placed in a Dominican school known as St. Thomas.

He remained at St. Thomas for two years. This religious association was wealthy, and owned "productive fields, slaves, flour-mills, flocks and herds." The individuals composing it possessed nothing, and were vowed to poverty and self-denial. A large majority of the boys in the school were Roman Catholics; and, after a time, Davis found himself "the only Protestant boy remaining, and also the smallest boy." The priests were very kind to him, and one of them, Father Wallace, who afterward

¹ *Memoir*, I, p. 4.

² *Memoir*, I, p. 6.

became the bishop of Nashville, treated him "with the fondness of a near relative."

His kindly recollections of his stay at St. Thomas lasted through life, and this, together with some later friendships which he formed, caused him always greatly to admire the Roman Catholics. In 1863 he was criticised by extreme Protestants in the South, and ridiculed by many people in the North, because he wrote to the Pope expressing his appreciation of the letter which the Romish potentate had written to the bishops of New York and New Orleans in relation to the war. The Pontiff's reply was a courteous one; and later, when Davis was in prison at Fortress Monroe, Pius IX sent him a portrait of himself, with the inscription: "Come unto me, all ye who are weary and heavy laden, and I will give you rest."

Those who were critical saw in this exchange of letters in 1863 an effort on the part of the Confederate President to gain Catholic indorsement for his cause; but the Pope's later action showed a sympathy which was not of the world.¹

After his return home from St. Thomas he was sent by his father to a school called "Jefferson College," in Adams County, Mississippi. His stay here was brief, and from his tenth to his thirteenth year he went to the academy of Wilkinson County, whose master was a scholarly Bostonian, John A.

¹ Fleming, *Religious Life*, p. 333.

Shaw. Davis says that Shaw taught him more, in his time at the academy, than he ever learned from any one else anywhere.

From the county academy, in 1821, he entered Transylvania University, at Lexington, Kentucky. His associations had been with boys older than himself, and he was disappointed to discover that the freshmen of Transylvania were much younger than he was, and was disturbed by being put in classes with the smaller boys. He procured private coaching at the hands of the professor in mathematics, so as to enable him to pass examinations for the sophomore class and thus to get rid of his juvenile associates.

At Transylvania, he states, he "completed" his studies in "Greek, and Latin, and learned a little of algebra, geometry, trigonometry, surveying, profane and sacred history, and natural philosophy."¹

In spite of his efforts at making up deficiencies, he did not become a senior until the end of his third session; and there are no records of the school left to show his class standing. The later testimony of members of his class is that he was a good student. One says of him, "He was considered by the faculty and by his fellow-students as the first scholar, ahead of all his classes, and the bravest and handsomest of all the college boys"; and another, that he was "always prepared with his lessons," and "very

¹ *Memoir*, I, pp. 20, 27.

respectful and polite to the president and professors." ¹

Samuel Davis died in the last year of his son's stay at Lexington. He had come home a disappointed man from the vain search for an illusive estate in Philadelphia, or at the "Welsh Tract." He was sixty-eight years old at the time of his death, and, though his youngest son had seen little of him, and that little had been marked by stern treatment of the boy by the man, Jefferson Davis's sense of filial respect compelled him to an ever-unfailing affection throughout life for his father's memory.

¹ *Memoir*, I, pp. 27, 29; *Dodd, Life*, pp. 20, 21.

CHAPTER II

WEST POINT AND THE ARMY

THE boy had been sent away from home when very young, and to a place that was distant, without his mother's knowledge or consent; and while his filial reverence for his father was undeviating, the recollection of his mother was a gentler and kindlier one. "Neither then, nor in the many years of my life, have I ceased to cherish a tender memory of the loving care of that mother, in whom there was so much for me to admire, and nothing to remember save good," is his tribute to her in his latest years.¹

In the last year of his school life at Transylvania his brother Joseph Emory Davis, who was the oldest of Samuel Davis's ten children, and his youngest brother's senior by more than twenty-four years, obtained for him, through Congressman Christopher Rankin, of Natchez, then the sole representative from the undeveloped State of Mississippi, an appointment to a cadetship at West Point.²

¹ *Memoir*, I, p. 15.

² *Biographical Congressional Directory*, 1774-1911, pp. 105, 944; So. Hist. Soc. Papers, xxvi, pp. 14-85.

He was appointed by John C. Calhoun, secretary of war under Monroe. The appointment was dated March 11, 1824, but Davis did not learn of it until late the next summer, after he had completed the final examinations of the junior class at Transylvania University.¹

The pupils of the academy, at the time of Davis's appointment, numbered between two and three hundred. The school was modelled on the *Ecole Polytechnique*, and its superintendent was Sylvanus Thayer, who made its first reputation.²

In mathematics, in which he felt himself especially deficient at Transylvania, his teachers were Charles Davies, D. H. Mahan, and E. C. Ross.

Of these, he was especially fond of Mahan, who had graduated from the academy at the head of his class, and had later studied at the Military School of Application for Engineers and Artillerists at Metz. There was little difference in the ages of instructor and pupil, and a certain similarity of tastes drew them together. For quite a time after his graduation Davis kept up a correspondence with Mahan, who became distinguished, but less so than his son, Admiral A. T. Mahan, author of the books on sea power.³

The Military Academy of to-day is in all its physical aspects different from what it was when

¹ *Davis at West Point*, p. 248.

² *Ibid.*, p. 247.

³ *Ibid.*, pp. 252, 253.

Davis was a cadet there. The woods came down almost to the academy grounds, and ruins of old Revolutionary forts and soldiers' huts and relics of graves of soldiers who had fallen in the time of the revolt of the colonies were still visible among the rocky hills. There were four barracks buildings, a mess-hall, and the academy; and about the place were scattered the cottages of the instructors and officials.

The cadets occupied the barracks by companies, and not by classes; and often members of different classes roomed together. Davis for two years roomed in No. 19 South Barracks, with two other cadets, in an apartment which was eleven feet square. Only two of his roommates can now be identified, A. G. W. Davis of Kentucky and Walter B. Guion of Mississippi.¹ "For furniture, there were one small table, three chairs, and shelves for books at the side of an open fire-place. All this furniture was supplied by the cadets themselves. Over the fire-place was a rack for three muskets and accoutrements. At night three narrow mattresses were spread upon the floor. Water, for drinking and bathing, the cadets brought from the spring, and there were no bath-tubs. The fire was fed by wood from huge wood-boxes kept in the halls. South Barracks was considered very cold in winter, and often the cadets in No. 19 sat at study wrapped

¹ *Davis at West Point*, p. 250.

in their blankets, feet upon fender. Fire was kindled in the morning from a tinder-box, and it is a matter of record that this tinder-box was often not to be found when most needed.”¹

In French he did better than in mathematics. His teacher in this language was Claudius Berard, a Frenchman of Bordeaux, who was a scholar with no military tastes.

The object of Berard’s instruction was to impart to his pupils such a knowledge of his mother tongue as would enable them to possess a reading capacity for the French texts used in the several departments. At the conclusion of the subject, in June, 1826, Davis stood fairly well in his class of forty-nine.²

He learned enough French from Berard to use the texts in that language. “He could understand the French dialect spoken in the Northwest,” writes Doctor Fleming, “and when in prison, after the Civil War, he managed to converse in French with his fellow-prisoner Clay, much to the annoyance of Miles, who did not understand the language. But when he visited France, in the ’seventies, a French newspaper writer declared, ‘he stumbles much in our language.’”³

Jared Mansfield was his teacher in natural phi-

¹ *Davis at West Point*, pp. 250, 251.

² *Ibid.*, p. 253; *Appleton’s Cyc.*, I, p. 243.

³ *Davis at West Point*, p. 254.

losophy, a subject which is no longer described by this generic term. It then embraced mechanics, physics, astronomy, electricity, and optics. His stand in "natural philosophy" was mediocre; yet some of the subjects greatly interested him.

The third principal subject, following mathematics and natural philosophy, was engineering. David B. Douglas taught this course, assisted by Mahan and A. D. Bache. It embraced both the civil and military branches. His standing in engineering was ordinary.

The highest achievements by him in any course were in some of the varied subjects embraced in the category prescribed for instruction by the chaplain, who happened to be at this time a versatile and scholarly man and an accomplished teacher. The regulations required the chaplain not only to preach in the chapel on Sundays but to conduct the cadets through a course of descriptive, physical, and statistical geography, history—which is described as "universal," and "of the United States in particular"—moral philosophy, "the elements of natural and political law," and grammar. It was a heavy task which was imposed on the Reverend C. P. McIlvaine, later Episcopal bishop of Ohio; but Davis studied under McIlvaine, in his fourth year, grammar, rhetoric, ethics, and constitutional law, and stood fourteenth in a class of thirty-four, with a grade of 146 out of a 200 maxi-

mum.¹ He always regarded his work in McIlvaine's course as his best at West Point.

The question whether secession was taught at the academy of those days is answered in the affirmative by the story of a text-book. Kent's *Commentaries*, then recently published, was used in the chaplain's course of "constitutional law"; but with it was also used *A View of the Constitution of the United States*, by William Rawle, first published in 1825, at Philadelphia. McIlvaine taught Davis's class from Rawle's book that "if a faction should attempt to subvert the Government of a State for the purpose of destroying its republican form, the national power of the Union could be called forth to subdue it. Yet it is not to be understood that its interposition would be justifiable if a State should determine to retire from the Union."² "It depends on the State itself whether it will continue a member of the Union. To deny this right would be inconsistent with the principle on which all our political systems are founded, which is that the people have in all cases the right to determine how they shall be governed." "The States may then wholly withdraw from the Union." "If a majority of the people of a State deliberately and peacefully resolve to relinquish the republican form of government, they cease to be members of the Union." "The secession of a State from the Union depends on the will

¹ *Davis at West Point*, p. 256.

² *Rawle*, p. 289.

of the people of such State." "This right must be considered an ingredient in the original composition of the general government, and the doctrine heretofore presented in regard to the indefeasible nature of personal allegiance is so far qualified in respect to allegiance to the United States."¹

From the beginning the question had assumed serious shape; and the "irrepressible conflict," a term for which Lincoln said that neither he nor Seward was responsible, but that it originated with Roger A. Pryor and the Richmond *Enquirer*, arose with the birth of the Constitution itself.² The conservative Madison said, in the convention, in presenting his objections to the principle of State equality: "The perpetuity it would give to the Northern against the Southern scale was a serious consideration. It seemed now to be pretty well understood that the real difference of interest lay, not between the large and small, but between the Northern and Southern States. The institution of slavery, and its consequences, formed the line of discrimination. There were five States on the Southern, eight on the Northern side of this line. Should a propor-

¹ Rawle, pp. 289, 290, 292, 295; Cotton, p. 252; Davis at West Point, pp. 256, 257. Rawle's work, used by Cadet Benjamin S. Ewell, later president of William and Mary College, and chief of staff of General Joseph E. Johnston, is in the library of the college. It bears on the fly-leaf, "Cadet Benjamin S. Ewell, West Point, 1832."

² *Debates of Lincoln and Douglas*, p. 309 (speech at Cincinnati, September, 1859).

tional representation take place, it was true, the Northern would still outnumber the other; but not in the same degree, at this time; and every day would tend towards an equilibrium."¹

It has been said that it was the intention of Davis's lawyers, when he was under indictment for treason, to make use of Rawle's essay when his trial should be had; and it is quite probable that the young cadet, who was especially interested in the subjects taught by McIlvaine, which included constitutional law, gained, from his teaching, those views in regard to State sovereignty that characterized his later political career. Though but a junior officer in the army, he seems four years after leaving West Point to have formed a very clear conception of the rights of the States as then recognized by the Strict Constructionists, and illustrated it in his attitude toward "Nullification" and Jackson's "Force Bill."²

The regulations of the United States Military Academy of Davis's time make no mention of an oath as required from a cadet upon his admission. The later academic regulations of 1839 provide that the cadet shall subscribe a promise to serve in the army for eight years, and to pledge his honor as a gentleman that "he will faithfully observe the rules and articles of war," and the regulations of

¹ *The Lost Principle*, pp. 49, 50.

² See *post*, pp. 27, 28.

the academy.¹ No "oath of allegiance" to the United States was required.

Classmates of Davis said of him that in military matters he was looked on as a leader by the cadet corps, and General Crafts J. Wright described him as "distinguished in the corps for his manly bearing and his high-toned and lofty character. His figure was very soldier-like and rather robust, his springy step resembling the tread of an Indian brave on the war-path."²

"Spending-money was scarce with most of the cadets. Davis received \$16 per month pay, and two rations, equivalent to \$28 per month. Out of this he had to pay all expenses. But he was economical, and sent part of his money to his mother each month. There were rules against receiving spending-money from home, but many cadets managed to get it,—'patches for old clothes,' it was called. Nearly all were in debt to stores at the Point."³

His friends and schoolmates included many who afterward were distinguished in the Union and Con-

¹ Letters to the writer, 1917, from Headquarters, U. S. Military Academy, West Point. Prior to 1861 no oath of "allegiance" was required at any time of any one. The only oath taken by United States officials was one "to support the Constitution of the United States," which in the opinion of Southern statesmen satisfied the requirements of the Constitution, whose Tenth Amendment reserved all undelegated powers, including that of secession.

² *Blackwood's Magazine*, September, 1862; *Memoir*, I, p. 51.

³ *Davis at West Point*, pp. 264, 265; *Memoir*, I, p. 54.

federate armies. His most intimate companions were Albert Sidney Johnston and Leonidas Polk. It is said that Polk was the first cadet to kneel in chapel, and Davis, Johnston, and others soon followed his example.¹

Davis, although in later years a devout and consistent Episcopalian, did not connect himself with any religious body until 1863. His second wife was an Episcopalian, and it was due to her influence that, with a cosmopolitan indifference to doctrine and dogma, he allied himself with the denomination of her choice.

Johnston, who like Davis had attended Transylvania University before going to West Point, was two classes ahead of him. But class feeling and association were not as strong then as they afterward became, and Davis's friends were chosen by him without regard to class affiliation. Johnston's son, in his biography of his father, says of their relations: "Jefferson Davis, who was two classes below Johnston in the Academy, formed with him a fast friendship, that grew and strengthened, and knew neither decay nor end."²

His years at the academy were fruitful if not studious ones, and were strongly formative of his character. The mental and social training which he received here did much toward developing the

¹ *Religious Life of Davis*, p. 328; *Metropolitan Magazine*, June, 1908.

² Johnston, *Life of A. S. Johnston*, p. 14.

unyielding disposition that illustrated his career as President of the Confederacy. Here he laid the foundations of a broad and catholic education, and acquired those tastes for mathematical, philosophical, and engineering problems which lasted into his maturer life. He gained here, too, a habit of wide and extensive reading, which resulted in causing those who knew him well in later years to regard him as one of the best-educated men of his day in America.¹

His interest in the place was strong and abiding, and one of his last acts as a United States senator was to aid in revising its course of studies. Kindly memories of his years at West Point stayed with him always, and in his last days, when the hand of death lay on him, he dictated some desultory recollections of the school.

"I have not told," he said, "what I wish to say of my (friends) Sidney Johnston and Polk. I have much more to say of them. I shall tell a great deal of West Point, and I seem to remember more every day."²

Davis graduated from the Military Academy in July, 1828, with the usual brevet of second lieutenant of infantry. From West Point he went, on his first furlough, to the home of his brother Joseph in Mississippi. In the late autumn of the year he

¹ *Davis at West Point*, p. 267.

² *Ibid.*, p. 267.

reported for duty at Jefferson Barracks, Missouri, taking with him from Hurricane, his brother's place at Davis Bend, a young negro slave named James Pemberton, who had accompanied his father on his visit to Philadelphia in 1823, as far as Harford in Maryland, and of whom Samuel Davis had written his son: "I have notified you where I have left your boy James; he is in the care of a David Malsby in the village aforementioned."¹

Until he was twenty-eight years old, when he left the army, Davis had spent only eleven years of his life in the South and Southwest, and they were years of his earliest youth. His acquaintance and association with the negroes of a typical Black Belt section were only casual. James Pemberton, who had been given to him by his mother when they were both boys, and who now accompanied him as a "body-servant" to the army-post in Missouri, was the first negro slave with whom he came into personal relations. Pemberton remained with him during his military service on the frontier, from 1829 to 1835. Much of this time he was stationed in free States and in free Territories, but such residence occasioned the negro, who was very intelligent, no discontent with his peculiar situation, nor did it ever occur to him to think of changing it. His devotion to his master was characteristic of the best of the slaves of the period.

¹ *Genealogy*, p. 14.

Davis remained at Jefferson Barracks for a short time, and then was ordered to Fort Crawford on the site now occupied by the city of Prairie du Chien, near the junction of the Wisconsin River with the Mississippi.

From the autumn of 1829 until 1831 he was stationed at Fort Winnebago, about two miles from the junction of the Fox and Winnebago Rivers, with an intervening region between it and the fort at Chicago which was for the most part unexplored by white men, though the Indians occupying it were generally friendly. In 1831 he was sent to the upper waters of the Yellow River on a lumbering expedition for the works at Fort Crawford. Here he established a sawmill and constructed a small rough fort; and here also he succeeded in winning the confidence and friendship of the local Indians. At this time he had little or no beard, and "his smooth face, fresh color, and gay laugh gave the impression of a boy of nineteen." But the Indians recognized his soldierly qualities, and one of the chiefs adopted him as a "brother." He was thenceforth known among them as "Little Chief."

In this year fell what was known for a long time thereafter in the Northwest as "the deep snow." Through overexertion and exposure to the rigors of the winter he became ill with pneumonia. For many months he lay prostrated in an isolated coun-

try; but with indomitable will and energy, he continued to direct from his sick-bed the operations of his men. He became very feeble and emaciated, and the faithful James Pemberton, who was his nurse, used to lift him in his arms like a child and carry him from his bed to his seat by the window.¹

His illness left a permanent impression on Davis's vitality, and was the beginning of the acute attacks of facial neuralgia which pursued him through life, often making him almost blind for days at a time and causing him intense suffering.

In 1831 he was again at Fort Crawford, where Colonel Zachary Taylor had succeeded to the command of his regiment, the 1st Infantry. Taylor sent him to the lead-mines of Galena, Illinois, to deal with the troubles which had developed into a local war between the Indians of the vicinity and the white adventurers who had swarmed in with the hope of taking possession of lands which were believed to be rich in mineral treasure. An earlier emissary had been detailed on a similar mission, which had failed. Davis brought about temporary peace between the contending parties by a diplomatic arrangement under which the miners were to file records of their claims with him, and surrender possession of the lands to the Indians until the government should determine the respective rights of the contending parties.

¹ *Memoir*, I, p. 81.

The subsequent ratification of a treaty concerning the lands temporarily appeased the local Indians; but it did not satisfy Black Hawk, the chief of the Sac and Fox tribes, who resented the intrusion of the white men. One of its provisions, which had been agreed to by a number of minor chieftains, made the lead-mines the property of the whites.

The Indians were evicted, and Black Hawk, returning in the following spring, crossed the Mississippi River and engaged in indiscriminate warfare on the white settlers. During the summer the Indians were driven back to the Wisconsin, and later were routed at the battle of Bad Axe. Black Hawk and two of his sons were captured, with sixty or more other prisoners, and sent down the river to Jefferson Barracks under Davis's charge. In his autobiography the Indian chieftain records his treatment by the young lieutenant:

We started to Jefferson Barracks in a steamboat, under the charge of a young war-chief [Lieutenant Davis], who treated us all with much kindness. He is a good and brave young chief, with whose conduct I was much pleased. On our way down we called at Galena, and remained a short time. The people crowded to the boat to see us, but the war-chief would not permit them to enter the apartment where we were, knowing from what his own feelings would have been, if he had been placed in a similar situation, that we did not wish to have a gaping crowd around us.¹

¹ *Life of Black Hawk*, edited by J. B. Patterson (1834), quoted, *Memoir*, I, p. 143; *Life of Cass* (S. S.), p. 141.

After the close of the Black Hawk War Davis was again sent on a tour of inspection to the Galena lead-mines; and in the autumn of 1832 he was ordered to Louisville and Lexington on recruiting service. During his stay in Lexington a violent epidemic of cholera broke out, but he continued at his post until the plague was under control.

It was at the time of the Black Hawk War that the young soldier was first confronted with what promised to test his views, then already formed, of constitutional State sovereignty. He alluded in his speech on the compromise measures of 1850 to the rumor, when the Nullification Ordinance was adopted by South Carolina, that his regiment would probably be sent to Charleston to enforce the federal tariff law. "Then," said he, "much as I valued my commission, much as I desired to remain in the army, and disapproving as much as I did the remedy resorted to, that commission would have been torn to tatters before it would have been used in civil war with the State of South Carolina."¹

He never had, then or thereafter, any sympathy with the political reasoning of the nullifiers who proposed to remain in the Union and yet to invalidate a law of the Union. Infringement upon the rights of a State which was unbearable was ac-

¹ Dodd, *Life*, p. 38; *Cong. Globe*, 31st Cong., 1st session, July 13, 1850; *Memoir*, I, pp. 89, 90.

according to his theory of the Constitution to be met in the last extremity by the State's withdrawal from the Union.

Returning from Kentucky to Fort Crawford with his recruits, Davis remained there until 1834, when he was ordered to Fort Gibson on the extreme frontier. Prior to his recruiting detail to Lexington and Louisville, he had been selected by Colonel Taylor from the 1st Infantry for promotion as adjutant to the newly created regiment of Dragoons.¹

¹ *Memoir*, I, p. 149.

CHAPTER III

MARRIAGE AND LIFE AT BRIARFIELD

WHEN Colonel Zachary Taylor succeeded Colonel Willoughby Morgan in command of the 1st Infantry at Fort Crawford, in 1832, he brought with him to the post his wife and children; and their home was the centre of social life. Mrs. Taylor was a kindly lady of a domestic disposition, and her daughters were interesting and attractive. Anne, the eldest, became the wife of Doctor Robert Wood, later surgeon-general of the United States army, and their son was John Taylor Wood, who was a graduate of the Naval Academy, commander of the cruiser *Tallahassee*, and one of the last men to leave the Confederate President before his capture in 1865. Sarah Knox Taylor, the second daughter, was eighteen years old when Davis first met her, and was her father's favorite. Elizabeth, the youngest, was then a child; and the son, Richard, who thirty years afterward became a distinguished Confederate general, is described as being at the time "a lubberly sort of a boy."

Sarah Knox, named in honor of Washington's secretary of war, became Davis's first wife. Of their

courtship and marriage legend and gossip have furnished many contradictory accounts. The publication of some of these stories, notably that contained in a biographical sketch of Davis in a prominent cyclopædia of 1888, caused him pain and displeasure. In it their marriage was spoken of as a "romantic elopement," and he denounced the statement as a "baseless scandal."

Davis fell in love with Sarah Knox Taylor, and though most of his leisure time at the fort was spent in reading law, he found opportunity to press his suit. An engagement of marriage soon ensued, subject to Colonel Taylor's approval. But "Old Rough and Ready" did not regard the match with favor, and refused his consent. When Captain Kearney, one of the senior officers of the post, and a friend of Davis's, endeavored to persuade Taylor to withdraw his opposition, the stern parent answered:

I will be damned if another daughter of mine shall marry into the army. I know enough of the family life of officers. I scarcely know my own children or they me. I have no personal objections to Lieutenant Davis.¹

Taylor never afterward permitted any prejudice against Davis to cause him to discriminate against him as an officer. He often chose him for important service, as when he sent him to settle the troubles

¹ *Davis's First Marriage*, pp. 23, 25, 29, 30.

at the Galena lead-mines, and when he put him in charge of the detail which accompanied Black Hawk to St. Louis; and Davis was selected by him in 1835 for promotion to the newly organized 2d Regiment of Dragoons.

Before time had healed the wounded feelings to which the courtship of the lovers had first given rise, and before the marriage took place, Taylor ceased his active opposition and yielded an unwilling acquiescence. He wrote to his sister, Mrs. John Gibson Taylor, during his daughter's visit to her aunt in Kentucky a short time prior to the wedding, that "if Knox was still determined to marry Lieutenant Davis, he would no longer withhold his consent, but wished her to marry at her aunt's house."¹

The wedding took place at Beechland, the residence of John Gibson Taylor, near Louisville. Davis says of it:

In 1835 I resigned from the army, and Miss Taylor being then in Kentucky with her aunt,—the oldest sister of General Taylor,—I went thither, and we were married in the presence of General Taylor's two sisters, of his oldest brother, his son-in-law, and many other members of his family.²

After their wedding they visited Joseph Emory Davis, at Hurricane, on Davis Bend; and, to start

¹ *Davis's First Marriage*, pp. 26, 31.

² *Memoir*, I, p. 162.

the young people in life, his brother gave Jefferson an adjoining tract of land known as Briarfield, and sold him fourteen slaves on credit. Here he worked at clearing up the place and getting it into shape for cultivation until the "fever season" of the year came round, when he took his young wife, who was unacclimated, on a visit to his sister, Mrs. Luther Smith, at Locust Grove Plantation, in West Feliciana Parish, Louisiana. Her stay in the miasmatic region of Briarfield, however, had been fatal. They both fell ill with malarial fever on arriving at Locust Grove, and Mrs. Davis died.

Her early and tragic death, after a few happy months of wedded life, produced a permanent impression upon the bereaved husband; and for eight years afterward he lived in seclusion at Briarfield, occupying himself with the cultivation of his fields and in the pursuits of reading and study.

After his wife's death, weak and prostrated from his own illness, he sailed in the autumn of 1835 to Havana in search of health.

In the following spring, with his health partially restored, he returned to Briarfield, and took up the life of a planter and student. For the ensuing eight years he came strongly under the influence of his brother Joseph, who lived with his family on the adjacent plantation. Joseph Davis had prevailed on him to enter the army, instead of becoming a lawyer, and had obtained an appointment for him

to West Point. He had persuaded him to relinquish the military life and become a planter in 1835; and he had given him the Briarfield plantation when he was married. Though they had been little thrown together, his brother had been Jefferson's monitor and best friend. Their life, after the younger man went to Davis Bend to live, was one of intimate association and of daily contact; and the impression of the older on the younger was profound and lasting.

They spent the hours which were not devoted to the management of their plantations in the discussion of politics, of government, and of literature. Joseph Davis received in his library the best English and American periodicals of the day; and he and his brother Jefferson read the *Congressional Globe*, the *National Intelligencer*, the *Charleston Mercury*, and the *Richmond Enquirer*, together with the local Mississippi papers. On the shelves of the library at Hurricane, where the younger brother spent many hours each day, were the classic authors of Great Britain; and he founded upon the models of the best orators and essayists and historians of the English language the unusual power of expression which characterized his subsequent speeches and writings.

He was deeply interested in his occupation as a planter, and pursued it, in all its details, with an intelligence and an energy that achieved significant results. He got the best work from his slaves by

his interest in them and by his kindly treatment of them. He investigated and applied the most desirable methods of agriculture, and his labors were crowned with abundant success.

Davis Bend was a peninsula on the Mississippi, which included lands of great fertility. In the management and control of their plantations the Davis brothers were daily many hours in the saddle; and in their fields were produced most of the articles primarily necessary for the support and maintenance of the local population. The direction of his plantation tended strongly to develop administrative ability of high order, and "as master of such an estate, and associate with his brother on a much larger one, Jefferson Davis emerged from this period of retirement a tried executive, which, added to his scholarly attainments and military training, made him an unusual character, one to whom people would readily turn for leadership."¹

Until 1835, when at the age of twenty-six he married and went to live at Briarfield, he had had no practical knowledge of the conditions of plantation negro slavery. His childhood had been spent in a new country, in which society was crude and in a formative state and where slavery was merely an incident. James Pemberton was the only slave he had owned or whose service he had directed, prior to his purchase from his brother Joseph of

¹ Dodd, *Life*, pp. 52, 53.

those with whom he cleared and planted Briarfield. In the eight years at Davis Bend, in which he was thrown into intimate daily contact with the slave population, and in the less intimate because less frequent association of his subsequent career, he formed his views of the negroes as a race and developed his ideas of slavery as a social and economic institution.

In his opinion, slavery was not only a temporary solution of the labor-problem in the newly settled South, but it was also a partial solution of what we now call the race problem,—the problem of how to make two distinct races live together without friction. That the negro race was fundamentally inferior to the white was his firm conviction. That there was any moral wrong in holding slaves, he in company with most of the slave-holders, would never admit. By him, as by most men of his class, then as now, slavery was considered a benefit to the negro and a recognition of that law of nature which subjected the weaker to the stronger for the good of both. Slavery took idle, unmoral, barbarous blacks and gradually rooted out their savage traits, giving to them instead the white man's superior civilization, his religion, his language, his customs, his industry. The negro was a child-race, and slavery was its training school. These convictions shaped his attitude toward the individuals of the race. And never were there more intimate friendships between whites and blacks than between Davis and his servants, as he always called his slaves.¹

¹ *Davis, the Negroes and the Negro Problem*, p. 3. Speech of Davis on "Slavery in the Territories," in the Senate, February 13 and 14, 1850. Appendix to *Congressional Globe*, 1st session, 31st Cong., pp. 149 *et seq.*

He and his brother thought alike on most questions, and a political maxim of the older brother, which Jefferson adopted, was the familiar one of *laissez-faire*. "The less people are governed, the more submissive they will be to control," and consequently the better governed they will be, was a theory which Joseph Davis put into successful practical execution with the negroes on Davis Bend in the early thirties of the nineteenth century, and he and Jefferson Davis continued his system of slave management uninterruptedly as long as slavery existed.

This system was one in which the master exercised the least possible control of the individual slave consistent with the latter's good behavior and the proper discharge of his duties, and gave to the slave community a large measure of authority over the individual. It provided the judicial means of determination, by a regularly constituted court composed of judge, jury, and sheriff, all of whom were blacks on the plantation, of all matters involving a breach of discipline or of morals. No negro at Davis Bend was ever convicted in this court save by a jury of his peers, made up of the "settled" men. An elderly negro judge presided; a black sheriff compelled attendance; and black witnesses were examined and testified, as in legally constituted tribunals. The verdicts of the negro juries were usually fair and impartial and gave satisfaction.

Davis always reserved the right to modify or to alter the judgment of the court, to suspend sentence, or to grant pardon; but he was seldom required to interfere with the punishment meted out to offenders. The negroes, who were strongly amenable to formalities and ceremonies, took great pride in the administration of their court; and if there was any defect in the operation of the system it lay in the occasional inclination of the juries to deal severely with crime.¹

As long as he lived James Pemberton, in whose judgment and fidelity Davis reposed lasting confidence, was "head man" over the negroes at Briarfield, and exercised his sway with ability and discretion in co-operation with the established negro tribunal. After his death, in 1852, Davis felt it necessary to employ white overseers, on account of his continued absence from home; but they were not allowed, as elsewhere, to inflict corporal punishment. Their prerogative of compelling obedience and order did not go beyond reporting derelictions and offenses on the part of the slaves to the plantation court; and this method of managing the negroes proved so objectionable to the white overseers that at least one of them left on account of it. "The Davis system, which was practised until 1862, had vitality enough to survive for a while

¹ *Davis, the Negroes and the Negro Problem*, pp. 6, 7; *Memoir*, I, p. 174.

after the Federals had occupied the plantations, and a year later a Northern officer, who saw what remained of the self-governing community, and knowing nothing of its origin, took it for a new development and an evidence of how one year of freedom would elevate the blacks.”¹

The efforts of the brothers to inculcate in the negroes at Hurricane and Briarfield habits of thrift, self-reliance, and self-government, proceeded in yet other directions. Any negro who by skilled labor and diligence as a carpenter or blacksmith, or by other manual art, was able to make money for himself, was permitted to do so, paying to his master the ordinary wages of an unskilled laborer; and some of the slaves set up business for themselves.

Religious training was afforded them, and the brothers paid the salary of a white Methodist itinerant preacher, who was sent out by his church to do missionary work among the slaves on the plantations. Doctor Fleming, in his account of the life of the negroes at Hurricane and Briarfield, quotes the statement by Davis of his conviction that in religious work for the negroes the South had “been a greater practical missionary than all the society missionaries in the world.”²

When he left Briarfield in 1861, upon notification

¹ *Davis, the Negroes and the Negro Problem*, p. 7, citing John Eaton, Grant, Lincoln, and the Freedmen, p. 165.

² *Ibid.*, pp. 8, 9.

of his election to the presidency of the Confederate States, he assembled his "servants" and made them a farewell talk. He saw little of them again, save of the few who greeted him on the occasion of his visit to New Orleans after his release from prison, and again when he went to Davis Bend immediately preceding his death; though many of them clung to the place after the siege of Vicksburg. Others, who had gone away, returned, and for a time it was made a "Freedman's Home" for them and for many others who were brought there, and they were put in possession of the land by the federal authorities.

When he died in New Orleans, in 1889, those of his former slaves and their children who were still living on Davis Bend sent to his widow a message of sympathy and affection:

We, the old servants and tenants of our beloved master, Honorable Jefferson Davis, have cause to mingle our tears over his death, who was always so kind and thoughtful of our peace and happiness. We extend to you our humble sympathy.

Respectfully,
YOUR OLD TENANTS AND SERVANTS.¹

¹ *Davis, the Negroes and the Negro Problem*, p. 23.

CHAPTER IV

POLITICS IN STATE AND NATION

BETWEEN the years 1830 and 1840 the population of Mississippi had increased by three hundred thousand, and the southward movement of slavery, which had begun in the previous century from New England, now proceeded from Virginia in the direction of the new and rich territory lying along the Mississippi River and the Gulf of Mexico.¹ An active immigration of whites from many sections of the country swarmed in; and Davis states, in his sketch of his own life, that in his boyhood Mississippi was composed of about equal parts of immigrants from the States lying along the seaboard and from the more recently settled communities of the West.

With the development of the Mississippi country, the influx of slave owners bringing with them their slaves, the increase in the values both of slaves and of lands, and the busy movement of united energy and opportunity, it was inevitable that the spirit of speculation should take possession of the people. There was an inflation of values, a

¹ *Cotton*, pp. 149 ff.

reckless issue of obligations public and private, and a consequent climax of debt and repudiation.

Two issues of bonds, known respectively as "Union Bank bonds" and "Planters' Bank bonds," behind which were the faith and credit of the State, were repudiated by the legislature of Mississippi. In 1830 the State had chartered the Planters' Bank, and had become its principal stockholder; and in 1833 the legislature authorized the sale of a million and a half of its bonds, which were sold in New York at a premium of thirteen per cent. The sale indicated an unreal prosperity and was based on a dangerous expansion of credit. In 1837 the tide of speculation had run so high that the general demand for more money was met by the establishment of other banks, with capital derived from the sale of bonds.¹

The movement against the Union Bank bonds took form in 1841, when the governor of the State advocated their repudiation in a message to the legislature. The legislature of that session refused to concur in the governor's recommendation; but that of 1842 was more pliable, and the Repudiation Act was passed. Eleven years later the Planters' Bank bonds were repudiated.²

For a period of twenty years after 1840, the payment or repudiation of the public debt was an important polit-

¹ *State Finances of Miss., S. B. N., V, p. 524.*

² *Van Horne, Davis and Repudiation in Miss., p. 8.*

ical issue. The management of the State banks had been corrupt, and politicians inflamed the minds of the people against banks and bondholders for selfish purposes. As the result of such agitation, the State repudiated seven million dollars of just debts.¹

The Democratic party of Mississippi, to which Davis belonged, had made itself responsible for the policy of repudiation in the year preceding that in which he first entered the political arena as a candidate for the legislature. It had been in control of the machinery of government which had enacted the statute of 1842, repudiating the Union Bank bonds. The Whig party believed the time to be a favorable one for electing a legislature, and for reversing the policy of the repudiationists. There were two Whig candidates for the State house of representatives in the Whig county of Warren. Davis was opposed to the repudiation policy of his own party, and the local Democrats thought that his nomination would draw votes from their divided opponents and secure the election of a Democrat. The champion of the Whigs in the State was Sergeant S. Prentiss, who was earnestly opposed to the Democratic policies. Davis's attitude on the question of the bonds was that of his Whig neighbors. He held that the Union Bank bonds, which were the subject of dispute, were obligations issued by the State, whose validity ought to be

¹ *S. B. N.*, V, pp. 524, 525.

determined by the adjudication of the courts, and that there was no power in the legislature to repudiate them. In view of the then-existing constitution of the State judiciary, which was of a mind to uphold their validity, this was equivalent to insisting that they should be paid. He met Prentiss in a joint debate, from which they agreed to eliminate the bond question as one on which they were in essential accord, and to confine their discussion to other matters of State and national political difference.

"The result of the election," he said at a later time, "as anticipated, was my defeat. As this was the only occasion on which I was ever a candidate for the legislature in Mississippi, it may be seen how utterly unfounded was the allegation that attributed to me any part in the legislative enactment known as the 'Act of Repudiation.' " ¹

In subsequent years attacks were made on him by personal and political enemies as having been an advocate of the repudiation measures of this period. He felt, and at times expressed especial indignation that General Winfield Scott should have published in his autobiography the assertion that the Mississippi bonds had been "repudiated mainly by Mr. Jefferson Davis," ² and spoke in

¹ Walthall, *Davis*, pp. 10, 11.

² *Ibid.*, p. 12; Van Horne, *Davis and Repudiation in Miss.*, p. 9, note 7.

terms of even stronger condemnation of the efforts of Robert J. Walker, while the financial agent of the United States Government in England during the war, to fasten upon him the stigma of having been a repudiator. Walker's attack took shape in a volume published in London in 1863, which public men in the Confederacy regarded as intended to discredit Davis in connection with Walker's efforts to prevent a foreign loan to the Confederate States. "By reason of intimate connection in the past with politics in Mississippi," writes Mr. Van Horne, "Mr. Walker should have been familiar with the movement which culminated in the legislature's resolution of 1842, but his letters published in London failed to show any participation by Mr. Davis in that movement."¹ He never at any time, either before or after the legislative canvass of 1843, held any civil office, legislative, executive, or judicial, under the State government; and the repudiators in his own party urged actively but ineffectually his well-known sympathy with the payment of the debt against his subsequent election to Congress in 1845.

Prior to 1843 he had evinced no disposition to engage in active politics, but he had attracted attention by his dignified and courageous course in

¹ Van Horne, *Davis and Repudiation in Miss.*, pp. 11, 12; Walthall, *Davis*, p. 12; Dodd, *Life*, p. 64; Trent, *Southern Statesmen of the Old Régime*, p. 275; Pollard, *Life*, p. 22; *Memoir*, I, p. 185, and note.

the brief canvass which he made for the legislature; and in the following year he was nominated as an elector on the Polk and Dallas presidential ticket, and made an aggressive campaign in its behalf throughout the State. His electoral ticket was chosen in the State, and Democracy was successful in the Union; and recognition and popularity followed his first State-wide campaigning. His reputation as a public speaker gave him position in his party, and in 1845 he was nominated by the Democracy of Mississippi for representative-at-large in the United States Congress. On the day following his nomination he published a pamphlet announcing his continued and unalterable opposition to the Democratic attitude toward the repudiation of the State debt, which was the one live local issue in the campaign. His daughter, Mrs. Hayes, states that her father was moved to this speedy and emphatic announcement of his position on the debt question, "because the chairman of the nominating body was a repudiator."¹

The Democratic organization, however, gave him loyal support; and he was elected and took his seat in the House of Representatives the following December.

The time of his entrance into national politics was one of great restlessness and party passion.

¹ Letter in *N. Y. World*, Jan. 3, 1905; *Memoir*, I, pp. 205, 206; Dodd, *Life*, pp. 67, 68.

The tide of agitation over the question of slavery, though not yet at its flood, was already flowing free; and the annexation of Texas was the subject of strenuous controversy, while the "Oregon question" was part and parcel of the same agitation. The Democratic party in the campaign of 1845 was committed to the tariff of 1842, to the annexation of Texas, and to the measure of "the whole of Oregon, or none, with or without war with England."

The origins of the political controversies which culminated in a conflict of arms between the sections in 1861 were in existence even in the colonial era. They appeared in the debates of the State assemblies over the adoption of the Federal Constitution. But slavery, which later emerged from the background of its constitutional recognition, and became both centre and circumference of the "great controversies," was not one of the earlier and more serious subjects of difference which arose out of constitutional construction and interpretation. From the beginning of the government the basic causes of contention lay in matters of economic development and of sectional political power. These were illustrated in the questions of the control by Spain of the Mississippi River, the location of the federal capital, the assumption of the State debts, the negotiations with France and England regarding trade, the alien and sedition laws, the United

States Bank; and by the embargo and non-intercourse laws favored by Southern administrations to countervail the restrictions of England and her violation of our rights on the high seas. Later economic division was emphasized by the tariff and by nullification in South Carolina, and by the continued debate thenceforward between North and South over the tariff. The Missouri Compromise of 1820, which Jefferson declared alarmed him "like a fire-bell in the night," as indicating a permanent dissociation of sections, was in reality a truce-treaty between antagonistic political and economic systems.

Slavery was at first a mere incident in these differences. For years after the Missouri Compromise negro slaves as domestic servants were taken by their owners into the Territories without let or hindrance; and even in the Northwest Territory, which had been given to the Union by Virginia, and where slavery had been prohibited by the Ordinance of 1787 in the original language of the Thirteenth Amendment, the "institution" was regarded in no unkindly way.¹ The responsibilities of the government in regard to slavery were recognized both in the treaty of peace in 1783 and the treaty of peace in 1814. Each contained clauses obligating Great Britain to return negro property carried off during the two wars.

¹ Munford, *Virginia's Attitude*, pp. 26, 27, 28.

The abolition of slavery, originating in the humanitarianism of the Pennsylvania Quakers, was agitated for many years by a small following before it attracted any considerable attention; and in 1832, when South Carolina undertook to "nullify" the tariff bill of that year and Jackson met the nullification movement with his proclamation of December 16 and sent a naval force to Charleston harbor, each of the twenty-seven States and Territories was nominally slaveholding except Vermont; though the number of slaves in the New England States and in those of the North, especially Ohio and Indiana, which when yet a Territory, in 1803, had memorialized Congress to suspend the provision of the Ordinance of 1787 prohibiting slavery in the Northwest Territory, was negligible.¹

In 1790 New York and Georgia had stood not far apart in the number of slaves possessed by each; but by 1800 the slave population of the South had increased thirty-three per cent, and the next decade showed a much greater divergence. Whitney's cotton-gin had largely revolutionized the economic relation of the sections. The farmers of the Northern States were enabled to sell their slaves, who had become an expensive burden to them, to the cotton-planters of the South, who in the year 1793, the date of Whitney's invention, had produced ten thousand four hundred and sixty bales of cotton,

¹ Force, *National Calendar*, 1832, p. 159.

and who produced in 1810 one hundred and seventy-seven thousand eight hundred and twenty-four bales, of which they exported about three-fourths at fifteen and one-half cents a pound.¹ Yet even with the progressive economic cleavage between the manufacturing and commercial North and the agricultural South, the abolition movement continued to develop slowly, and its propagandists were the humanitarians alone.

But the humanitarians were imbued with profound convictions, and were strenuous and militant in their propagandism. The abolitionists were among the earliest secessionists. Their reprobation of the legalized holding of human beings in bondage was such that they wished to destroy the Union rather than remain in it with slaveholders. They sent into Congress as early as 1827 petitions for the abolition of slavery in the District of Columbia; and these petitions continued to come in until on the 25th of February, 1850, Giddings of Ohio presented to the House the resolutions of citizens of Pennsylvania and Delaware praying for the "immediate and peaceful dissolution of the American Union."

In January, 1843, the Massachusetts Anti-Slavery Society resolved: "That the compact which exists between the North and the South is a covenant with Death and an agreement with Hell, in-

¹ *Cotton*, p. 149, and note 1.

volving both parties in atrocious criminality, and should be immediately annulled.”¹

The American Anti-Slavery Society affirmed the sentiment at its tenth anniversary meeting in New York City, in May, 1844, resolving that “secession from the present United States government is the duty of every abolitionist,” and Garrison declared in 1854: “There is but one honest, straightforward course to pursue, if we would see the slave-power overthrown,—the Union must be dissolved”; while Wendell Phillips said that disunion was “written in the counsel of God.” Schouler, referring to this declaration of Garrison’s and the occasion of its utterance, says: “Such was the tenor of anniversary speeches and resolutions through the next six years whenever and wherever meetings were held of our Anti-Slavery societies.”²

But these expressions of passionate feeling on the part of a small band of enthusiasts, though indicating a tendency, did not represent the thought of the non-slave-possessing States of the period, who had no conscious wish to see on their Southern border a republic with an anti-tariff policy, necessitated by its social and economic conditions, which would be the direct opposite of that of a commercial and manufacturing North.

¹ *Virginia’s Attitude*, p. 217, citing William Lloyd Garrison, by his children, vol. III, p. 88.

² *Ibid.*, pp. 100, 218, 414; Schouler, *Hist. U. S.*, V, p. 319; *Niles’s Register*, vol. 66, p. 192; Martyn, *Wendell Phillips*, p. 207.

CHAPTER V

IN THE HOUSE OF REPRESENTATIVES

ON February 26, 1845, Davis, then in his thirty-seventh year, contracted a second marriage. His bride was Varina Howell, a daughter of William B. Howell of Natchez, Mississippi. Her grandfather was Governor Richard Howell of New Jersey, who was a native of Newark, Delaware, and whose family name occurs frequently on the roster of the early members of the Welsh Tract Baptist Meeting House "at the foot of the Iron Hill," of whose congregation Shion Dafydd, Jefferson Davis's great-grandfather, had been a member. The second Mrs. Davis was the companion and survivor of her husband's subsequent fortunes through a long life, and his devoted and self-sacrificing helpmeet. She was his amanuensis when he wrote his *Rise and Fall of the Confederate Government*, and was herself the author of *Jefferson Davis : A Memoir*, a work in two large volumes which presents a vivid narrative of the career of its subject.

The humanitarian view of slavery had made insignificant progress prior to 1844, the year preceding Davis's election to Congress; but when the territorial extension of the "institution" began to

involve the question of sectional power and equilibrium the processes of federal disintegration began also. The Whigs of the South were drifting toward State-rights, and the Northern Whigs, the successors of the National Republicans of the earlier decades of the century, were moving in the direction of affiliations which took final shape in the Republican party of 1856. The Jacksonian Van Buren Democracy of the North, which had been Hamiltonian in its conduct, if not in its professed creed, since Jackson's time, was closely sympathetic with the movement; and Northern Whiggery and Northern Democracy drew together, imperceptibly but inevitably, in their respective attitudes toward the sectional differentiation of political power. The economic differences between North and South, as always theretofore, lay within the very core of the approaching physical struggle over slavery.¹

Davis took a conspicuous part in the debate of Congress on the two questions of foreign policy involved in the Oregon boundary and the Mexican issues. He illustrated his independence of thought and action in differing with his party associates on the Oregon question, although he did not wholly concur with the opposition. He advocated the continued joint occupancy of the disputed territory, and opposed the proposition to give notice

¹ Tyler, *The Whig Party in the South*; *W. & M. College Quarterly*, xxiii, pp. 1 ff.; *Cotton*, chapters 34 and 35.

to Great Britain of a termination of the treaty authorizing it. In the course of the debate he gave utterance to his feelings of devotion to the constitutional Union, as he conceived it to have been formed by the fathers of the Republic, as he did on many other occasions.

"As we have shared in the toils," he said, "so we have gloried in the triumphs of our country. In our hearts as in our history are mingled the names of Concord and Camden and Saratoga and Lexington and Plattsburg and Chippewa and Erie and Moultrie and New Orleans and Yorktown and Bunker Hill. Grouped all together they form a record of the triumph of our cause, a monument of the common glory of our Union. What Southern man would wish it less by one of the Northern names of which it is composed? Or where is he who gazing on the obelisk that rises from the ground made sacred by the blood of Warren, would feel his patriot's pride suppressed by local jealousy?"¹

In the presidential campaign of 1844 he had advocated the admission of Texas into the Union by simple enactment of Congress, instead of by treaty. As a member of Congress, he voted in accordance with this view, which was that of Tyler's administration; and he supported with his vote the presidential declaration, after the battles of the

¹ Walthall, *Davis*, p. 13; *Memoir*, I, p. 234.

Rio Grande, that hostilities existed by the act of Mexico. He also voted for organizing a volunteer force for the war, and for appropriations necessary to its vigorous prosecution; but with the military directness with which his West Point education seems to have influenced his character more deeply than any other factor in its formation, he antagonized as unconstitutional the authority conferred by Congress on the President of appointing the general officers of the volunteer army.

On the question of the tariff he pursued the course of the strict-construction party. That the tariff, like slavery, though even earlier, had become a sectional issue, owing to its operation upon the one hand on a manufacturing and commercial section of the country constantly increasing in population through foreign immigration, and upon the other on an agricultural one into which European immigrants had ceased to come on account of the presence of the negro, is indicated in the historical fact that in Jackson's administration all the Northern Democrats in the House of Representatives but two voted for the protective bill of 1832. As early as 1820 a protective tariff act had been passed by the House and rejected by the Senate; and the tariff issue continued to hold the larger place in the contest of the sections and in the discussions of constitutional interpretation until it was dwarfed by the growing anti-slavery movement after 1844.

Davis's first resolution, offered three weeks after he had taken his seat as a member, foreshadowed his undeviating advocacy, as long as he was in the public service, of what is now known as "preparedness." It was as follows:

That the Committee on Military Affairs be instructed to inquire into the expediency of converting a portion of the forts of the United States into schools for military instruction, on the basis of substituting their present garrisons of enlisted men by detachments furnished from each State of our Union in ratio of their several representatives in the Congress of the United States.¹

The resolution appears to have been without result; and beyond his committee work in connection with the tariff bill, and his speech on the Oregon question, and one against the rivers and harbors appropriation bill, he took only a quiet and undemonstrative part in the business of the House. In the latter speech he antagonized extravagant expenditures and attacked the sectional character of the proposed appropriations.²

He was deeply interested at this time in the operations of the army of occupation on the Rio Grande under General Taylor; and when, on May 28, 1846, the House, in committee of the whole, had under consideration the resolution tendering the thanks of Congress to Taylor for his services,

¹ *Memoir*, I, p. 228.

² *Memoir*, I, pp. 236-238.

Davis cordially supported it. In his speech he inadvertently excited the anger of Andrew Johnson; and to this episode he attributed the beginning of the relentless hatred with which Johnson pursued him in the years following the fall of the Confederacy. He protested, in the course of his remarks on the resolution, against certain unjust criticisms on the army and Military Academy at West Point which had been made by a member from Ohio, and expressed the hope that the member would learn the value of a military education from the story of the location, construction, and defenses of the bastioned field-works opposite Matamoras; and he incidentally inquired if the member believed that a blacksmith or a tailor could have achieved the results which had been obtained by the educated soldiers of the American army, in crumbling the stone walls of Matamoras to the ground. He mentioned these two callings at random, not knowing or thinking of either blacksmith or tailor being present. The Ohio member avowed himself a blacksmith, and made a good-natured retort. Johnson, however, took the matter up the next day and, congratulating himself upon being an artisan, spoke sneeringly of the "illegitimate, swaggering, bastard, scrub aristocracy," and declared that when a blow was struck against the class of mechanics and artificers, either direct or by innuendo, from Whig or Democrat, he would resent it, "while he invoked

all the tailors of history, beginning with Adam, to do honor to his class." Davis replied apologetically that he had intended no attack or reflection upon any particular occupation or business, but that "his opinion was simply that war, like other knowledge, must be acquired." ¹

¹ *Memoir*, I, pp. 243, 244.

CHAPTER VI

MONTEREY AND BUENA VISTA

THE regiment which the call for volunteers required of Mississippi was organized at Vicksburg while Davis was still a member of the House of Representatives. It elected its field-officers and made him its colonel. A messenger was sent to Washington to notify him of his election. The tariff bill, in which he was deeply interested, was under discussion; but the soldierly inclination prevailed over the legislative, and the commission which was tendered him was promptly accepted.

The President, upon learning of his determination to leave Washington for the front as soon as the necessary arms and equipment for his command could be furnished, urged him to retain his seat in the House until the final vote might be taken on the tariff bill. He gave Davis his personal assurance that in the meantime the War Department would receive instructions to meet his requisitions.

The relations between Polk and the newly elected colonel of volunteers were friendly, and in a measure intimate; and, in addition to his promise, the President assented to the further request that Davis and his regiment might be permitted to continue with General Taylor until the close of the war.

The feeling of General Scott against Davis, which was later expressed in Scott's *Memoir*, in which he characterized the Mississippian as a "deadly enemy," had already developed.¹ Davis made a requisition for a thousand percussion-rifles of the Whitney model, which were then manufactured at New Haven. Scott promptly offered objection to the use of such an untried weapon in an enemy country, saying that he preferred the flintlock musket to a gun which up to that time had never been used by the army. Davis was insistent, however, and Scott finally consented that four of the six companies in the regiment might have the Whitney rifles; but he refused to permit the other companies to be armed with any weapon except the old-fashioned musket then in use. But the new colonel was stubborn and succeeded eventually in having his requisition filled. His regiment got their Whitney rifles, and the introduction of the weapon in this way into the service constituted the army's first use of an arm which later became famous as "the Mississippi rifle."²

Davis's regiment had already set out from the seat of war when he left Washington to join them. He caught up with his command at New Orleans, whence the regiment was transported by sea to

¹ Van Horne, *Repudiation in Miss.*, p. 9, citing *Memoir of General Scott, LL.D.*, p. 148 (note) and p. 593, in "Notes."

² Walthall, *Davis*, pp. 14, 15.

Point Isabel, in Texas. Here they disembarked and for several weeks awaited further transportation up the Rio Grande. This interval their commander utilized in instructing his officers in a manual of arms which he had prepared, and in drilling both officers and men until, through his energies they became one of the best prepared of the regiments in the American army.¹

Transportation having been finally furnished, the regiment reached Camargo on the Rio Grande, where Taylor's army was encamped; and here, for the first time since their parting years before, Davis and Taylor met. Whatever feelings of alienation or of enmity might have existed between them had now disappeared, in the interval of time and under the influence of a common sorrow. Davis, in supporting the resolution of thanks to Taylor and his command which had been adopted by Congress after the battles of the Rio Grande, had eulogized both army and commander, and had said of Taylor that "the world had not a soldier better qualified for the service he was engaged in"; and old "Rough and Ready" had recognized the kindness of the action and of the speech.

Taylor's army consisted at this time of about twelve thousand men, and his lines extended from Camargo to Point Isabel. From the former point he moved into Mexican territory. He left six thousand

¹ Walthall, *Davis*, p. 15.

of his troops along the border, and with the rest of his force, including Davis's Mississippians, he approached Monterey, one hundred miles distant from Camargo, which was held by General Ampudia with a force of ten thousand Mexicans. Here occurred the storming of the city, in which Davis and his regiment took a conspicuous part, that was followed by its surrender. Taylor and Ampudia, in a personal interview, each selected three commissioners to arrange the terms; and of the three Americans Colonel Davis was one.

It was agreed that the city, with all artillery, munitions, and public property, should be turned over to the American army, and that the Mexican troops, retaining the arms and accoutrements of their infantry and cavalry and one field-battery, should retire beyond a fixed line, which was not to be crossed by the armed forces of either side for eight weeks or until otherwise ordered by one or both of the two governments.

These terms were severely criticised by politicians, who regarded them as too favorable to the Mexicans, and they were disapproved by the American Government. In the controversy over them Davis defended the action of Taylor in conceding the terms which the Mexicans had urged. It was believed by the American general, and in this view Davis and his co-commissioners concurred, that considerate treatment of the enemy by the invaders would at once

indicate to Mexico a determined purpose on the part of the United States and a disinclination to arouse the ill will of the local populace. He wrote to his wife that there were good reasons for thinking that the forces defeated at Monterey would be withdrawn. But Santa Ana, the Mexican commander-in-chief, was defiant, and issued a proclamation of his purpose to dictate terms to the invading enemy "on the banks of the Sabine River."

In his report of the battle Taylor mentions Davis among other officers who served under his eye and conducted their commands with "coolness and gallantry" against the enemy.¹

After Monterey he obtained a sixty days' leave of absence, which would give him time to reach Mississippi and to spend two weeks there with his wife, who was in an impaired condition of health. At the expiration of his leave of absence Davis returned to his regiment, which had continued with Taylor, then at Saltillo, the capital of the Mexican state of Coahuila. After the fall of Monterey the American forces had gradually occupied and were then in possession of the three states of Coahuila, New Leon, and Tamaulipas, each of which had been subjected in the course of the winter without serious opposition and with no other important battle. Taylor's army at Saltillo was considerably reduced by the withdrawal, in January, 1847, of nearly all

¹ *Memoir*, I, pp. 309, 334.

of the regulars, to take part in the campaign which Scott was about to open from Vera Cruz as a base against the city of Mexico; and Santa Ana, in the late winter, having gathered an army of from eighteen to twenty thousand men at San Luis Potosi, was advancing against Saltillo. Taylor, upon information of his approach, selected a strong defensive position at a point some seven miles south of Saltillo, near a *hacienda* known as "Buena Vista," and with an army of about five thousand volunteers awaited the approach of the enemy. On the morning of the 22d of February Santa Ana appeared in front of Taylor's position and forwarded to him a note demanding an unconditional surrender, giving an hour for an answer. Taylor, as soon as he could write a reply, sent a curt refusal: "I beg leave to say that I decline acceding to your request."

In the battle which ensued occurred Davis's famous stand, which saved the day for the American troops, and in which he made use of the "V" movement of throwing his men into the form of a "re-entering angle," with both flanks resting on ravines, to meet a charge of cavalry coming down an intervening ridge. This formation exposed the enemy to a converging fire. The manœuvre is regarded by military men as interesting, and under the circumstances effective, on account of its quick conception and skilful execution; but that it was an emergency movement and not one to be imitated

in other conditions is indicated by the fact that Taylor makes no mention of it in his report of the battle.

Early in the action Davis was severely wounded by a musket-ball which entered his foot near the ankle-joint; but, though suffering severely, he remained on the field in command of his men and retired for surgical treatment only after the fight was over.

He continued to suffer from the wound, from which he did not completely recover for five years, during two of which he was compelled to go on crutches.

In his report of the battle of Buena Vista Taylor says:

The Mississippi Riflemen, under the command of Colonel Davis, were highly conspicuous for gallantry and steadiness, and sustained throughout the engagement the reputation of veteran troops. Brought into action against an immensely superior force, they maintained themselves for a long time unsupported, and with heavy loss, and held an important part of the field until reinforced. Colonel Davis, though severely wounded, remained in the saddle until the close of the action. His distinguished coolness and gallantry, and the heavy loss of his regiment on this day, entitle him to the particular notice of the government.¹

The campaign of the Rio Grande ended with Buena Vista, and early in the following summer

¹ *Memoir*, I, p. 334.

Davis returned to Mississippi with his regiment, the term of enlistment of whose members had expired. At New Orleans they were received with enthusiastic applause, as they marched through Canal Street to Lafayette Square, where they were addressed in an eloquent speech by Sergeant S. Prentiss, then a member of the local bar, to which Davis replied in fitting terms. Even more enthusiastic demonstrations met them at Natchez and at Vicksburg.

At New Orleans Davis found a letter awaiting him from President Polk, accompanying a commission as brigadier-general in the volunteer army. The same conscientious conviction with regard to the strict construction of the Constitution which had caused him when a young officer in the Northwest, in the nullification days, to determine that he would resign his commission and his military career rather than bear arms against a sovereign State of the Union, now determined his course. He declined the proffered commission.¹

¹ *Memoir*, I, p. 360; Dodd, *Life*, p. 91.

CHAPTER VII

THE "GREAT CONTROVERSIES"

UPON his return to Mississippi Davis was appointed by Governor Brown United States senator to fill the vacancy occasioned by the death of Jesse Speight. When the legislature assembled soon afterward he was unanimously elected for the unexpired term; and he took his seat at the opening of the first session of the Thirtieth Congress in December, 1847.

His military reputation gave him the chairmanship of the committee on military affairs; and he was appointed one of the regents of the Smithsonian Institution. This last position he held until August, 1852, taking a prominent part in the organization of the Institution and in its subsequent conduct.¹

At this time the "great controversies," which culminated something more than a decade later in sectional war, began to take definite shape. The question of the federal use of the taxing power had assumed a sectional character in the beginning of the government; and when Davis was elected

¹ *History Smithsonian Inst.*, I, pp. 463, 482.

to the Senate the struggle over the tariff and the question of slavery in the Territories were irresistibly concurring to divide the country into two antagonistic political sections.

In the debate in the First Congress on the bill recommended by Hamilton for taxing imports in order to meet the interest on the public debt, a difference of opinion arose as to whether the tariff should be protective or not; and this difference developed in 1816 into a challenge, on the part of those who opposed protection, of the constitutional power of the government to lay protective duties.¹ Between the tariff of 1789 and that of 1816 seventeen acts marked the tendency in the direction of high duties, and Hamilton's famous "Report" on manufactures, which contains the earliest formulation of American protective principles, was one of the most important events of the period. Calhoun began his political career as a protectionist;² and Webster always referred to the tariff of 1816, which had been introduced by Lowndes of South Carolina, and ably supported by Calhoun, as a South Carolina measure.³ New England, whose factories were increasing in 1826, had theretofore antagonized protection as inimical to its commercial interests; and Webster had opposed the tariff

¹ Lalor, *Cyclopædia: Tariffs of U. S.*, III, p. 858.

² Calhoun, *Works*, II, p. 169.

³ Webster, *Works*, III, pp. 297, 502; *Cotton*, p. 179.

of 1816 in speeches of which Goldwin Smith has said that there is nothing better on the side of free trade.¹ Until 1828 South Carolina had been largely Federalist, because of Charleston's commercial character as a seaport; but Virginia and the rest of the South were from the beginning anti-tariff. As South Carolina's attitude was exceptional in the South, so at that time was the attitude of New England in the North. The tariff of 1828 was a prelude to that of 1832, which caused nullification. It was the result of a scramble of selfish interests, and became known as the "tariff of abominations." Calhoun, in 1828, changed from a tariff to an anti-tariff advocate. Whitney's cotton-gin had made cotton a factor of tremendous sectional economic importance, enhancing the value of slave property necessary for its production.

South Carolina's exports at this time were largely exceeded in value only by those of New York and Louisiana, and but slightly by those of Massachusetts. Southern exports, as a whole, were much greater than Northern exports. The South held anti-tariff meetings, and Hayne said to the Charleston Chamber of Commerce of the "tariff of abominations" that "the rich manufacturers of the North originated the bill, in order that they might secure a monopoly of the home market and enhance their profits; and that nothing but a firm remonstrance

¹ *The United States*, p. 186; cited, *Cotton*, p. 180.

from the planting States could prevent the ruin of the South." To this the chamber replied with a "remonstrance," denouncing the proposed tariff as "unjust and unconstitutional."¹

The question of the tariff sprung to the forefront of sectional controversy; and the issue of slavery had made but slight impression on New England and the North in 1835, when Garrison was mobbed in Boston by anti-abolitionists, or upon the Northwest in 1847, when a similar mob murdered Lovejoy in Alton, Illinois. But in the fourth decade of the century slavery presented itself as a new phase of the struggle; and the sectional difference over taxation and tariff was resolved into a more passionate antagonism, of which the economic question remained a vital ingredient. A strict construction of the Constitution was the basic principle of anti-protectionism, as it was of slavery in the Territories under the sectional political situation which had then developed.

When Davis entered the Senate, in 1847, the tide of feeling was rising high. That body was Democratic and anti-tariff. The House was Whig, and greatly divided on sectional issues. Two years earlier the sections had grappled with each other in the contest over the admission of Texas. What was known as "Mason and Dixon's line," physically marking the division of the two nations from 1766,

¹ *Cotton*, p. 187; *Jervey, Life of Hayne*, pp. 217-219.

was cut deeper on the map by the growth of the economic issue of cotton.

Florida and Iowa came into the Union at this time, and their admission maintained the "equilibrium of the sections," as Arkansas and Michigan had done in 1836. But the entrance of Texas meant the addition to the area of slavery of "an enormous territory, big enough for the formation of eight or ten States of the ordinary size, and thus to increase tremendously the political influence of the Southern States, and the slaveholding class. For this the Northern members of Congress were not prepared."¹

Northern abolitionist opinion, led by John Quincy Adams, held that the annexation of Texas would and should warrant a dissolution of the Union; and Garrison, moved not by the economic but the humanitarian impulse, and hostile to a constitution which contravened the "higher law," proposed in Boston that Massachusetts should secede. In the South the cotton-planters asserted that the abolitionist programme was "nothing less than a proposal to destroy, root and branch, the whole industry of their section."²

In February, 1848, peace was made with Mexico; and the United States had gained a large increase of territory lying in the anti-tariff, slavery, cotton section. As a compromise between those who ad-

¹ *Cotton*, p. 205, citing Wilson, *Division and Reunion*, p. 143.

² *Cotton*, pp. 205 ff.

vocated and those who opposed the exclusion of slavery from the Territories, the Democratic Senate passed a bill establishing Territorial governments in Oregon, New Mexico, and California, with a provision that all questions concerning slavery in these Territories should be referred to the Supreme Court of the United States. The measure was defeated in the House. A bill to organize these Territories was then enacted by the Senate, with an amendment extending the Missouri Compromise line to the Pacific. The amendment was rejected by the House, again by a sectional vote; and the bill thus modified became a law.

When it was proposed to apply the anti-slavery clause of the Ordinance of 1787 to Oregon, Davis offered a proviso "that nothing contained in this act shall be so construed as to authorize the prohibition of domestic slavery in said Territory, whilst it remains in the condition of a Territory of the United States." He supported his amendment, which was advocated by Calhoun, in a speech in which he argued that the processes of time and of circumstance would determine the end of slavery.

"This problem," he said, "is one which must bring its own solution; leave natural causes to their full effect, and when the time shall arrive at which emancipation is proper, those most interested will be most anxious to effect it." ¹

¹ *Memoir*, I, p. 407.

He concluded with the assertion that the struggle was one between sectional parties, and that if neither section would yield there should be a peaceful dissolution of the Union.

The agricultural South was stirred to great apprehension by the development of Northern antagonism to slavery. Calhoun foretold what he conceived would be the calamitous consequence of the success of the abolitionist movement in a memorial to the people of the South in 1849, which was signed by a large number of the Southern delegations in Congress.

"If it" [emancipation of the slaves] "ever should be effected," he wrote, "it will be through the agency of the Federal government, controlled by the dominant power of the Northern States of the Confederacy, against the resistance and struggle of the Southern. It can then only be effected by the prostration of the white race; and that would necessarily engender the bitterest feelings of hostility between them and the North. But the reverse would be the case between the blacks of the South and the people of the North. Owing their emancipation to them, they would regard them as friends, guardians, and patrons, and centre accordingly all their sympathy in them. The people of the North would not fail to reciprocate and favor them, instead of the whites. Under the influence of such feelings, and impelled by fanaticism and

love of power, they would not stop at emancipation. Another step would be taken to raise them to a political and social equality with their former owners, by giving them the right of voting and holding public offices under the Federal government. . . . But when once raised to an equality, they would become the fast political associates of the North, acting and voting with them on all questions, and by this perfect union between them holding the white race at the South in complete subjection. The blacks, and the profligate whites that might unite with them, would become the principal recipients of Federal offices and patronage, and would, in consequence, be raised above the whites of the South in the political and social scale. We would, in a word, change conditions with them, a degradation greater than has yet fallen to the lot of a free and enlightened people.”¹

The contest over slavery in the new Territories of California, New Mexico, and Oregon was concluded by an act which omitted any provision on the subject in the two first-named prospective States, but which excluded the “institution” from Oregon.

The Democratic party in 1848 nominated Lewis Cass, of Michigan, for President and William O. Butler, of Kentucky, Davis’s division commander at Monterey, for Vice-President, and adopted a strict-construction platform. The Whig candidates

¹ *S. B. N.*, IV, p. 403, citing Calhoun, *Works*, VI, pp. 310, 311.

were General Taylor, a Southerner and a slave owner, and Millard Fillmore of New York. In view of the heterogeneous composition of the Whig party¹ and of the differences in the ideas of its Northern and Southern members upon the political issues of the day, its convention, as when it nominated Harrison and Tyler in 1839, adopted no platform and voted down a resolution affirming the Wilmot Proviso, which had been offered two years before in the House of Representatives by David Wilmot, a Pennsylvania Democrat, applying to any newly acquired Territory the provision of the Ordinance of 1787, that "neither slavery nor involuntary servitude shall ever exist in any part of said territory except for crime, whereof the party shall be first duly convicted." ²

The Free Soilers nominated Martin Van Buren and Charles Francis Adams, and adopted a platform declaring that Congress had no more power to make a slave than to make a king, and that there should be no more slave States and no slave Territories.³

Davis supported the Democratic nominees; but did not hesitate, when Taylor's character was assailed in partisan discussion, to defend him earnestly and ably.

¹ Cole, *The Whig Party in the South*, pp. 30, 31.

² *Cotton*, pp. 206 ff.; Dyer, *Great Senators*, pp. 36-38.

³ Johnston, *Am. Politics*, p. 156; Dyer, *Great Senators*, pp. 103-4.

The Whig nominees were elected, and their election was followed by a renewal of the agitation over the question of slavery in the Territories through the indorsement of the Wilmot Proviso by the legislatures of Northern States, as many as fourteen of which, at the end of 1849, had adopted the doctrine of the proviso in principle if not in terms. Throughout all this controversy the Southern delegates denied that it was their purpose to extend or perpetuate slavery. Their contention was simply that Congress had no right to prohibit slavery in the Territories, which when ready for admission as States had final power over the subject, each for itself.

The Thirty-first Congress met on December 3, 1849, with a Democratic majority in the Senate. In the House there was no party majority, and the nine Free Soil members held the balance of power. Vermont presented resolutions of its legislature declaring that slavery was a crime, and could not longer be permitted in any Territory or under any federal jurisdiction, and instructing its senators and representatives to use their utmost efforts to carry these resolutions into effect. Mangum, the Whig senator from North Carolina, read a petition in the Senate from a mass-meeting held at Wilmington, asserting that if Congress consented to the demands of the North with regard to slavery in the new Territories, the State would be justified

in withdrawing from the Union. Parties North and South had become sectionally amalgamated for and against the Wilmot Proviso. Mangum said, in presenting his petition: "All parties in the South are merged on this question, and will stand together shoulder to shoulder, to defend those rights which we mean to defend, which we can defend, and which we will defend at all hazards."¹

California applied for admission as a State February 13, 1850, and the struggle over slavery in the Territories waxed more bitter. Clay offered his "compromise bill," the purpose of which was to reconcile the differences between the sections. It covered seven propositions: "(1) The admission of any new States properly formed from Texas; (2) the admission of California; (3) the organization of the Territories of New Mexico and Utah, without the Wilmot Proviso; (4) the passage of the last two measures in one bill; (5) the payment of a money indemnity to Mexico; (6) a more rigid Fugitive Slave Law; (7) the abolition of the slave trade, but not of slavery, in the District of Columbia."² The bill was subsequently divided into a number of separate bills, and enacted into law, becoming known as the "Compromise of 1850."

California was admitted into the Union September 9, 1850, and the new Fugitive Slave Law was met

¹ Dodd, *Life*, p. 117; 31st Cong., 1st sess., Feb. 6, 1850.

² Johnston, *Am. Pol.*, p. 161.

with the enactment by a number of Northern legislatures of "personal-liberty" laws, which in effect nullified its provisions.¹

Davis, although opposing Taylor's election, had remained on friendly terms with him. He had received a letter from him just prior to his election, in which he had said that the South must boldly and decisively resist the encroachments of the North. Their friendly relations continued until after the President's inauguration; but they soon changed under the influence which Seward acquired over the new executive.²

Davis had taken an active and leading part in the debates in the Senate over the slavery question. He opposed Clay's compromise bill, as did Calhoun; and he offered as a measure of conciliation the extension of the line of thirty-six degrees thirty minutes, fixed by the Missouri Compromise of 1820, through the newly acquired territory of Texas and New Mexico, to the Pacific. His proposition was defeated by a sectional vote. His antagonism to the compromise measures was earnest and vigorous. He believed with Calhoun that "it is a true maxim to meet danger on the frontier in politics as well as in war."³

He went back to Mississippi feeling that the fight over slavery in the Territories was a drawn

¹ Hart, *Chase* (S. S.), pp. 163-170; Johnston, *Am. Pol.*, pp. 162, 163.

² Dodd, *Life*, p. 118.

³ Cotton, p. 206.

battle; and that the inevitable final settlement of the question lay in the not distant future. He had said in the previous autumn, in a letter addressed to his constituents: "The generation which avoids its responsibility on this subject sows the wind and leaves the whirlwind as a harvest to its children; let us get together, and build manufactories, enter upon industrial pursuits, and prepare for our own self-sustenance."¹

Taylor died July 9, 1850, and was succeeded by Fillmore, the Vice-President. In the same year the Mississippi Legislature re-elected Davis to the Senate as his own successor for the full term from 1851 to 1857.

In the meantime many members of the incongruous Whig party, who in the South had united with the State-rights democracy under the apprehension of continued federal encroachment, now joined with those Democrats who feared an approaching rupture of the Union in forming a "Union party," and this Union party was especially strong in South Carolina, and in Davis's own State of Mississippi.

General Quitman, who had been elected governor of Mississippi about the time when Davis entered the Senate, resigned in 1850 to meet a federal indictment for complicity in the filibustering expedition of Lopez against Cuba, and was acquitted.

¹ *Dodd*, p. 123.

In 1851 Quitman was renominated by the Democrats. A special election was held in September for delegates to a convention which had been called by the legislature to consider the questions then agitating the country; and the State democracy was startled to find itself defeated in this contest by the new Union party by a majority of seven thousand five hundred.

Davis, since the death of Calhoun, had come to be recognized as one of the foremost of the national State-rights democracy, and he was its leading representative in his own State. His previous political career had demonstrated the sincerity of his belief in the strict-construction view of the Constitution, and his speeches in the Senate had consistently declared his lack of sympathy with disunion. On one occasion he had said in debate that if any respectable man should call him a "disunionist," he would answer him in monosyllables,¹ and his political career had squared with his words. He had opposed Clay's compromise bill because he believed that the settlement of the questions which it involved should not be deferred, but met and concluded on the threshold, not by secession or by disruption of the Union, a doctrine which the abolitionists had never ceased to proclaim,² but by a definition of the rights of the contending sections, to the end that thereafter differences and

¹ Walthall, *Davis*, p. 31.

² Morse, *Lincoln*, I (S. S.), 231.

their consequent discords and recriminations might be ended.

Quitman, the Democratic nominee for governor of Mississippi, was a follower of the nullifiers, with whose doctrine Davis never sympathized, and he had expressed his nullification views in a communication to the State legislature. The overwhelming defeat of the Democrats in the election of members to the convention was probably attributable to Quitman's renomination, which had come about as a recognition of his vindication in the filibustering matter. He regarded the result of the convention election as foreshadowing his own defeat when the gubernatorial election should be held, and withdrew from the contest.

The Mississippi Democrats, left in serious predicament by Quitman's withdrawal, turned to Davis. He had been recently elected to the Senate for the full term of six years. The probability was that he would be defeated if he should accept the nomination, which was pressed upon him by the State executive committee of the party. He was confined to his house at the time by ill health, involving an affection of the eyes, which required the exclusion of light, and was in no physical condition to make the strenuous canvass which the exigency of the situation demanded. But with characteristic courage and will he accepted the nomination and, entering vigorously into the campaign, spoke in

every county in the State. The result was, as he had anticipated, defeat by the Union party's candidate, Henry S. Foote; but the majority of his successful opponent was reduced from the seven thousand six hundred which the Union party had had in the convention election to one thousand against Davis.

In a letter written in August, 1852, he refers to his position in the Senate on the "compromise measures," and in the local struggle in his own State in the succeeding year:

If I know myself, you do me justice in supposing my efforts in the session of 1850 were directed to the maintenance of our constitutional rights as members of the Union, and that I did not sympathize with those who desired the dissolution of the Union. After my return to Mississippi in 1851, I took ground against the policy of secession, and drew the resolution adopted by the democratic State-rights convention of June, 1851, which declared that secession was the last alternative, the final remedy, and should not be resorted to under existing circumstances. I thought the State should solemnly set the seal of her disapprobation on some of the measures of the "Compromise."¹

Broken down by his campaign for governor, he was stricken with fever, accompanied by an acute superinflammation of the left eye, from which it never recovered. His physical powers, which were

¹ *Memoir*, I, p. 471; letter to Senator James A. Pearce of Maryland.

normal in the days of his cadetship at West Point, had been diminished through exposure to the rigors of the Northwestern winter, when pneumonia attacked him; and his health continued frail during his years as senator and secretary of war. He was never a well man after his first young manhood. He had continuous trouble with his eyes, and suffered from a frequently recurrent nervous affection, which harassed him throughout the trying period when the cares of a warring government weighed on him.

CHAPTER VIII

FOUR YEARS IN THE CABINET

AFTER his defeat in the gubernatorial campaign of 1851 Davis retired to Briarfield and again occupied himself with his books and his plantation. In the following year the presidential election occurred. The Democrats again adopted a strict-construction platform, indorsed the Virginia and Kentucky resolutions, and pledged the party to the faithful observance of the Compromise Act and to a steady opposition to any agitation of the slavery question. The Whigs adopted a loose-construction platform, which indorsed the compromise measures, including the Fugitive Slave Law, in terms similar to those of the democracy. The Free Soilers followed with a platform which denounced the compromise and the two parties which had supported it, declaring that slavery was a sin against God and a crime against men.

The Free Soilers failed to carry a single State. The Whigs were successful in Massachusetts, Vermont, Kentucky, and Tennessee. The rest of the country went Democratic, and the compromise had apparently accomplished the purpose of those who supported it.

Davis was active in the campaign, making speeches in his own State and those adjoining. His acceptance of the party platform seems inconsistent with his intense opposition to the Compromise Act; but Mississippi and its people favored the compromise, and to their wishes he accorded his allegiance.

The newly elected President invited him to take a place in the cabinet, which he declined, as he states, for "private and personal reasons."¹ Pierce then asked him to attend the inauguration on March 4, 1853. He accordingly went to Washington, and upon the renewed request of the President accepted the secretaryship of war.

Carl Schurz writes of Davis at this time: "I had in my imagination formed a high idea of what a grand personage the War Minister of this great republic must be. I was not disappointed. There was in his bearing a dignity which seemed entirely natural and unaffected,—that kind of dignity which does not invite familiar approach, but will not render one uneasy by lofty assumption."²

His appointment was justified by his successful administration of the office, whose duties he discharged throughout his term to the satisfaction of the army and with the general approbation of the country.

Among the measures which he proposed or carried

¹ *Memoir*, I, p. 477.

² Dodd, *Life*, p. 132

into effect were the revision of the army regulations, the introduction of the light-infantry or rifle system of tactics, which he had inaugurated with his Mississippi regiment in Mexico, the manufacture of rifled muskets and pistols, and the use of the minie ball, the addition of four regiments to the army, the enlargement of the seacoast and frontier defenses and forts, a system of geographical explorations in the West, and a movement for ascertaining the best route for a transcontinental railroad. To these may be added a series of valuable experiments in the casting of heavy guns and in the manufacture of gunpowder.¹

Additional duties were imposed upon his office, including the direction and construction of government works; and under his supervision the national capitol was completed. He recommended a government foundry for making heavy guns and cannon, and he showed the need and urged the establishment of an armory in the West.

The War Department was intrusted with the task of furnishing an adequate supply of water to the city of Washington, and under his direction this work was done. The stone aqueduct in the District of Columbia, known as Cabin John Bridge, comprised a part of this construction; and on it a tablet was placed, upon which was inscribed, with those of other officials connected with the work, his name

¹ Walthall, *Davis*, p. 33; Appleton, *Cyc. Am. Biog.*, II, p. 98.

and office. This inscription was obliterated in 1862, by order of a successor in the War Office, and was restored in 1909, through the efforts of organizations of Southern women, by order of President Roosevelt.¹

In his second report he presented the statistics of the five military departments into which the territory of the United States was divided, and demonstrated the physical inadequacy of the army, which then did not exceed eleven thousand men, to protect a seaboard and foreign frontier and routes through a country with an Indian population of more than four hundred thousand, of whom one-half were hostile; and he succeeded, before he left the cabinet, in raising the army to fifteen thousand effectives, with seventeen thousand on the rolls.²

His attitude toward a transcontinental railroad, to be constructed by the National Government, beginning at Memphis and extending to the Pacific, was justified by him, not as being authorized by the "general welfare" clause of the Constitution, which he viewed with suspicion, but as warranted by the powers granted for the public defense.³ Calhoun had taken a similar position with reference to the improvement of the Mississippi River and its tributaries on the ground that they were to be regarded

¹ *So. Hist. Soc. Papers*, xxxviii, pp. 141-156.

² Dodd, *Life*, chap. IX, citing Reports of Secretary of War to 33d Cong., 1st and 2d sess.; *Memoir*, I, chaps. XXXIV and XXXV.

³ *Memoir*, I, p. 499.

as in the nature of "inland seas"; and Davis carried the doctrine farther in his railroad project by the conclusion that for purposes of military defense the National Government might constitutionally undertake internal improvements in States and Territories as well as on "inland seas." His support of the transcontinental railroad proposition was based on "the military necessity for such means of transportation, and the need of safe and rapid communication with the Pacific slope, to secure its continuance as a part of the Union."¹

Means of military transportation had become an important subject of consideration in the Southwest, where, after the Mexican War, a number of army posts had been established. The difficulties of moving supplies for the army in the recently acquired territory were great; and the rough and desert character of much of the country made it impassable for horses and mules. The construction of railroads in this section apparently lay in the far future; and if the country was to be opened up, means of communication with the frontier forts and settlements were essential.

Davis, who had given the subject much consideration, believed that the camel was ideally adapted to transportation purposes in the Southwest. The animal was known to be the most satisfactory and important beast of burden in countries of the Old

¹ Walthall, *Davis*, p. 34.

World which were not dissimilar to the rough and arid regions of the Southwest, on account of its swiftness and its ability to carry heavy loads and to go for a long time on scanty food and water; and it could stand the extremes of heat and cold which characterized this region better than could the horse or mule.

He took up the question in 1853, and in his report of that year recommended a trial of the experiment. The appropriation asked for was refused, and the recommendation was subsequently repeated. In 1855, through the exertions of Senator Shields of Illinois, an appropriation of thirty thousand dollars was secured; and Davis sent to the Orient, for the purpose of securing the camels, Major Henry C. Wayne, of Georgia, who had served in the quartermaster's department during the Mexican War, and Lieutenant David D. Porter of the navy, afterward famous as a naval officer on the Union side in the war between the States. After an investigation by Wayne of the various kinds of camels, which disclosed that there were three thousand of the one-humped Arabian species then in use in the Crimea, and that more were to be imported there, he and Porter shipped in February, 1856, thirty-three camels to America.¹

A second cargo was brought over in 1856, consisting of forty-six, and among them six dromedaries,

¹ *Sen. Ex. Doc.*, No. 62, 34th Cong., 3d sess.

which were presented to the government by the Sultan of Turkey. They were taken first to San Antonio, and later to Val Verde, a military post sixty miles to the southwest, which became the permanent camel-station. Experiments made with them demonstrated that in a journey from San Antonio to Val Verde the camels easily carried six hundred pounds each, six of them transporting as much as twelve horses could haul in wagons, and in forty-two hours less time. The camels made the sixty miles in two days and six hours, while the horses required more than four days. Other tests showed that they could ascend mountain trails where wheeled vehicles were unable to go, and could traverse without fatigue muddy roads which were impassable for wagons. The greatest difficulty with them was that they would not cross streams until water was thrown in their faces.

At the close of 1856 Davis reported that in his opinion the camel experiment was successful,¹ and John B. Floyd, his immediate successor in the War Office, was so convinced of the usefulness of the animals on the Western plains, that in December, 1858, he recommended the importation of a thousand more. The recommendation, however, which was repeated in 1859, and again in 1860, was disregarded by Congress in the political excitement over weightier things. The experiment, which

¹ *Sen. Ex. Doc.*, No. 5, 34th Cong., 3d sess., p. 22.

might have proved successful, failed on account of the war, and the subsequent rapid development of the railroads.¹

In 1855 Davis obtained the enactment of legislation creating four new regiments. The appointment of their officers was vested in the President; but the secretary of war exercised no inconsiderable influence in the selection of them. The colonels appointed to the two regiments of cavalry were Albert Sidney Johnston and Edwin V. Sumner. The lieutenant-colonels were Robert E. Lee and Joseph E. Johnston; and the majors were George H. Thomas, William H. Emory, William J. Hardee, and John Sedgwick. They were all West Pointers. Among the company officers were George B. McClellan, Thomas J. Wood, Robert S. Garnett, Earl Van Dorn, E. Kirby Smith, George Stoneman, Robert Ransom, David S. Stanley, J. E. B. Stuart, John B. Hood, and Fitzhugh Lee, all of whom were graduates of the United States Military Academy. The roster of these two regiments contained the names of nine major-generals, nine brigadier-generals, one inspector-general, and twelve field and staff officers of the Union armies in the war, and of five full generals, one lieutenant-general, six major-generals, ten brigadier-generals, and two colonels in the Confederate armies.

¹ Fleming, *Davis's Camel Experiment*, pp. 141-152.

CHAPTER IX

SLAVERY IN THE TERRITORIES

DAVIS left the cabinet upon the inauguration of Pierce's successor. He had been re-elected to the Senate, and on March 4, 1857, he again took his seat in that body.

What was left of the Whig party had in the preceding year been absorbed by the Know-Nothings, who nominated Fillmore and Andrew J. Donelson, of Tennessee. The Democratic nominees were James Buchanan and John C. Breckinridge, and their platform was one of strict construction, condemning Know-Nothingism, approving the Kansas-Nebraska bill, and substituting Stephen A. Douglas's "squatter sovereignty" for the Missouri Compromise of 1820. The doctrine of "squatter sovereignty" was that the people of a Territory could determine at any time for themselves the question of slavery or freedom there. The Southern Democratic interpretation of the Constitution was that the people of a Territory were powerless to determine the question of slavery while in a Territorial condition, and could only do so when forming a State government.¹

¹ Lothrop, *Seward* (S. S.), p. 64.

William L. Yancey, of Alabama, "the orator of Secession," challenged this peculiar doctrine of Douglas's on the threshold of its earlier appearance, with "the Alabama platform" of 1848, which

Resolved, That the opinion advanced or maintained by some that the people of a territory acquired by the common toil, suffering, blood, and treasure of the people of all the States can, in other event than the forming of a State Constitution, preparatory to admittance as a State in the Union, lawfully or constitutionally prevent any citizen of any such State from removing to or settling in such territory with his property, be it slave property or other, is a restriction as indefensible in principle as if such restriction were imposed by Congress.¹

The new Republican party nominated against the Know-Nothing Fillmore and the Democrat Buchanan, John C. Frémont, of California, and his running mate was William L. Dayton, of New Jersey. Their loose-construction platform advocated internal improvements by the Federal Government, including a railroad to the Pacific, and declared it to be the right and duty of Congress to prohibit both slavery and polygamy in the Territories. It demanded the admission of Kansas as a free State, condemned the repeal of the Missouri Compromise, and protested against the further extension of slavery.

Buchanan's election was followed in December,

¹ Brown, *Lower South*, pp. 131, 132.

1856, by the decision of the Dred Scott case, in which the delivery of the supreme court's opinion was deferred until two days after the inauguration. It came at a time when the struggle over the Kansas-Nebraska bill, for the creation of Territorial governments in the region now contained in those two States, had profoundly stirred the passions of the sections.¹ The supreme court declared in the Dred Scott case the historical fact that the ancestors of negro slaves were not regarded as persons by the makers of the Constitution, but as chattels;² that the Missouri Compromise, prohibiting slavery north of the parallel of thirty-six degrees thirty minutes, was unconstitutional and void, and that Congress had no right to prohibit the carrying of slaves into any State or Territory.³

Thus the Dred Scott case affirmed the position taken and held by Davis and the State-rights school of democracy as the correct interpretation of the Constitution on the question of slavery and its extension or restriction.

Buchanan in his inaugural address had announced that there was a case pending in the supreme court which might still the gathering storm; but the contrary result happened when the court's decision was promulgated. Despite the fact that the North

¹ Cluskey, *Polit. Encyc.*, pp. 346 ff.

² Lewis, *Great Am. Lawyers*, IV, p. 154, R. B. Taney.

³ Thayer, *Constit. Law*, I, p. 480.

had always proclaimed the supreme court as the arbiter of all sectional questions, the cry went up from the anti-slavery men that the highest "tribunal" in the land had determined that the black man had no rights which the white man was bound to recognize; and the charge was freely made of a conspiracy between the chief justice who had delivered the opinion, the President of the United States, and the Democratic leaders, intended to bring about the trial and the decision for partisan political purposes.¹

The Kansas-Nebraska bill was introduced in the Senate in 1854, and came up in the House two months later. This political measure increased the passions of the sections; and "the first gun of the war," says a Massachusetts historian, "was doubtless fired in the Territory of Kansas; the second in the raid of John Brown."²

The bill declared the Missouri Compromise of 1820 to be inconsistent with the constitutional principle of non-interference with slavery by Congress, and asserted that it was void and had been repealed by the Compromise of 1850, and that thereafter each Territory north or south of thirty-six degrees thirty minutes should admit or exclude slavery as its people decided. The "Anti-Nebraska" men

¹ Rhodes, *Hist.*, III, p. 270; Lewis, *Great Am. Lawyers*, IV, p. 163 and note, R. B. Taney.

² Lunt, *Origin of the Late War*, p. 272.

early in 1856 adopted the name of "Republicans," first proposed, it is said, late in 1855, by Governor Seward of New York. The new party was a loose-construction party, and favored a protective tariff, internal improvements, and a national bank currency; and it declared that the Federal Government possessed the power to control slavery in the Territories.

Out of the political turmoil in Congress over the Kansas-Nebraska bill and the repeal of the Missouri Compromise sprung a fierce and bloody physical struggle for the possession of the embryo State of Kansas, in which slave-State settlers and free-State settlers, each seeking by immigration or invasion to pre-empt it, had recourse on either side to arson, murder, and pitched battle. "It was . . . an armed and most murderous conflict, fought out upon that ground, between the representatives of extreme sentiments at the North and the South, and a warfare the more brutal and demoralizing in all its influences and results, that it was carried on by predatory and irresponsible bands of reckless and violent men, supplied with means of outrage, and prompted to deeds of blood, by those in both parts of the country who watched at a safe distance the progress of their respective schemes."¹ This warfare in the spring and summer of 1855 was succeeded in 1856 by the attempt of the Territorial

¹ Lunt, *Origin of the Late War*, p. 272.

Legislature to form a free-State government, without the approval of the federal authorities, and by the sending of United States troops to Kansas to enforce the laws.

By the Dred Scott decision the leaders of the strict-constructionist State-rights party felt themselves justified in their political conduct; but Davis had continued to doubt the permanent efficacy of the Compromise of 1850, and in a speech which he delivered at Jackson, Mississippi, October 4, 1857, he declared that the election of 1856 was but a truce between the sections, in which both sides might gather strength for a renewed struggle.¹

In the North the abolitionists continued to fan the flames of anti-slavery propagandism, and to kindle fires of Southern secession by immediate extra-legal and physical resistance to the fugitive-slave statutes. In Boston it took one thousand one hundred and forty federal soldiers with loaded muskets to enforce the law against mobs led by men of such high standing as Higginson, Phillips, and Parker.² *Uncle Tom's Cabin* caught the Northern heart, and laid the foundation in England for the later decision of Great Britain between the North and South in the matter of intervention. The John Brown raid occurred. Its leader was captured in the arsenal at Harper's Ferry by United States soldiers

¹ Dodd, *Life*, p. 169.

² Rhodes, I, pp. 500-6; Cotton, pp. 228-230.

commanded by Robert E. Lee and J. E. B. Stuart, and hung at Charlestown after a fair and impartial trial. An appeal in his behalf was sought by the most learned lawyer of his day in Virginia, whose petition exhausted the Anglo-Saxon law upon the subject; but the supreme court of the State affirmed unanimously his conviction of treason against the Commonwealth of Virginia. The execution took place in the presence of Virginia troops under the command of the governor, and in the ranks of a company from Richmond appeared the ominous figure of John Wilkes Booth.¹

The United States Senate investigated the John Brown episode, and its committee made two reports. The minority report, signed by Collamer, of Vermont, and Doolittle, of Wisconsin, expressed no sympathy with Brown in his purpose; and declared that the "raid" was "but an offshoot from the extensive outrages and lawlessness in Kansas." The majority report, signed by James M. Mason, of Virginia, Jefferson Davis, and G. N. Fitch, of Indiana, "viewed after fifty years," is pronounced by Brown's biographer, Villard, "disappointingly ineffective from the slavery point of view, when it is considered that such able men as Jefferson Davis and James M. Mason constructed it. Their narrative of what happened at Harper's Ferry is succinct and accurate, and tells the facts without any

¹ O. G. Villard, *John Brown Fifty Years After*, pp. 450, 451, 555.

attempt at coloring. As for their opinions, the majority dwelt upon Brown's desire to 'incite insurrection' among the slaves, and declared that 'it was owing alone to the loyalty and well-affected disposition of the slaves that he did not succeed in creating a servile war, with its necessary attendants of rapine and murder of all sexes, ages, and conditions.' "

In conclusion, the majority reported the invasion as "simply the act of lawless ruffians under the sanction of no public or political authority," which had been made with the aid of money and firearms, contributed by citizens of other States, "under circumstances that must continue to jeopard the safety and peace of the Southern States," and against which Congress "has no power to legislate," and declared that if the several States would not, for the sake of policy or the desire for peace, guard against the recurrence of such an act, the committee could "find no guarantee elsewhere for the security of peace between the States of the Union."¹

Davis, whose health had been delicate for many years, became seriously ill in the winter of 1858. His eyes, which had given him trouble after his gubernatorial campaign in 1850, again were affected, and he suffered greatly from their condition, and for two months was confined to a darkened room. His affected vision and the continuance of

¹ Villard, *John Brown*, pp. 581-2.

his ill health kept him from his place in the Senate for most of the session; though he appeared on the floor at times, moved by an indomitable will, with head bandaged and leaning on his cane, to take part in the debates which continued to revolve about slavery in Kansas, and Robert J. Walker's administration of the Territory as its governor. When the session closed, he was advised by his physician to spend the summer on the coast of Maine; and, accompanied by his wife and their two children, he went by water from Washington to Portland, where he found an agreeable climate and a number of friends and acquaintances among its residents and visitors.

During his stay at Portland he was the subject of many friendly attentions, both of a social and political character; and he was received everywhere he went in New England with marks of esteem and respect. In Boston he was the guest of the city, and by invitation he delivered an address in Faneuil Hall, where he was introduced to the audience by Caleb Cushing, who had been Pierce's attorney-general while Davis was secretary of war.¹

The address at Boston, which was delivered October 19, 1858, breathed a spirit of devotion to the Union and a pride in its history. After paying tribute to Franklin Pierce, "from the neighboring State of New Hampshire," who, he said, knew "no

¹ *Memoir*, I, pp. 602, 603.

North, no South, no East, no West, but sacred maintenance of the common bond, and true devotion to the common brotherhood," he entered upon a discussion of State sovereignty as a constitutional right, and passed from that subject to the omnipresent question of the prohibition by Congress of the introduction of slave property into the Territories. He dwelt upon the mutual and reciprocal interests of the sections, and especially upon the economic features of their relation.¹

The speech was received with enthusiasm, and met with the approval of the New England Democratic leaders, who believed that the preservation of the Union lay in the maintenance of strict-constructionist constitutional interpretation.

But Davis's constituents were hardly pleased with his visit to New England and his cordial reception by "the Yankees"; and many of them boldly asserted that it was a bid for support in the coming contest for the presidential nomination.

The principles which he continued to maintain on the floor of the federal Senate during the acrimonious debates over slavery, from 1857 to 1861, were embodied in a series of resolutions introduced by him February 2, 1860, and intended to express the political opinion of the State-rights democracy. They were accepted, with slight modifications, by his party colleagues, and were fully debated and

¹ *Memoir*, I, p. 630.

finally adopted in May. The Democrats in the Senate supported them in a division which was upon party but not upon sectional lines, while the Republicans consistently and unanimously opposed them. They were seven in number, and were elaborated in his speeches in their advocacy, and especially in that delivered by him May 7. The first three stated the recognized principles of the State-rights democracy in its attitude toward slavery under the Constitution; the fourth asserted the constitutional inability of Congress to limit the rights of slave owners settling in the Territories, and of Congress to intervene, should the courts fail in their duty; the fifth insisted that it was the duty of the federal courts to protect slave owners in the enjoyment of their property in the Territories, and should they fail in this, Congress must intervene for such protection; the sixth asserted that no Territory should be debarred from statehood on account of the existence or non-existence of slavery within its limits, and the seventh reasserted the validity of the Fugitive Slave Law, and declared that State laws in contravention of it were hostile to the Constitution and revolutionary in their significance.¹

A characteristic of all Davis's speeches on these resolutions is the expression of a sincere devotion

¹ Dodd, *Life*, p. 182; *Cong. Globe*, 36th Cong., 1st sess., Feb. 2, March 1; *Memoir*, I, pp. 661-4.

to the Union and a deprecation of the sectional feeling which threatened its continuance. This sentiment is dominant in his remarks upon the proposition made in the latter part of 1860, when the fires of secession were already blazing in South Carolina, for the appointment of the famous "Committee of Thirteen" by the Senate. He had asked to be excused from serving on this committee, but upon a reconsideration of the vote of consent, he withdrew his objection, and said:

If, in the opinion of others, it be possible for me to do anything for the public good, the last moment while I stand here is at the command of the Senate. If I could see any means by which I could avert the catastrophe of a struggle between the sections of the Union, my past life, I hope, gives evidence of the readiness with which I would make the effort. If there be any sacrifice which I could offer on the altar of my country to heal all the evils, present or prospective, no man has the right to doubt my readiness to make it.¹

On April 23, 1860, the Democratic National Convention met at Charleston, South Carolina, with the Northern democracy advocating Douglas's doctrine of "squatter sovereignty," and William L. Yancey leading the extremists of the slaveholding democracy of the South in opposition to the Northern democratic view of slavery in the Territories. After a series of stormy sessions, the convention divided

¹ Walthall, *Davis*, p. 38.

over the refusal of the Douglas wing to agree to the resolutions offered by the Southern Democrats affirming the Dred Scott decision, and declaring that neither Congress nor Territorial Legislatures had the right to prohibit slavery in the Territories. The Douglas Democrats offered a counter-proposition that the party would abide by the decisions of the supreme court, and the convention adopted a strict-constructionist platform, which declared for a Pacific railroad and the acquisition of Cuba. The delegations from a number of Southern States, including that of Alabama, headed by Yancey, withdrew; and after taking fifty-seven ballots between the candidates, the convention adjourned, to meet in Baltimore, June 23, 1860. The seceding delegates, who had organized another convention in Charleston, adopted their platform, and adjourned to Richmond, Virginia, and thence also to Baltimore, where they reconvened, June 28. The "Squatter Sovereignty" Convention nominated Douglas and Johnson; the "Dred Scott" Convention nominated Breckinridge and Lane; and Yancey, within a year, was on his way to England to secure recognition for the new slaveholding cotton republic, which his voice more than any other's had served to call into existence.¹

In the meantime the Republican party had met in convention at Chicago, May 16, and in a loose-

¹ Brown, *The Lower South*, p. 146.

construction platform denounced Democratic threats of secession and Democratic administration in Kansas and at Washington, declared for freedom in the Territories, and pronounced in favor of a protective tariff, internal improvements, and a Pacific railroad. The Republican nominees were Abraham Lincoln, of Illinois, and Hannibal Hamlin, of Maine. The Constitutional Union party assembled at Baltimore, May 19, and nominated Bell and Everett on the platform: "The Constitution of the country, the Union of the States, and the enforcement of the laws."

At the election in November, 1860, Lincoln and Hamlin were elected. They received one hundred and eighty votes in the electoral college, Breckinridge and Lane received seventy-two, Bell and Everett thirty-nine, and Douglas and Johnson twelve. "Squatter sovereignty" carried only New Jersey and Missouri, and the Constitutional Union party won in the border States of Virginia, Tennessee, and Kentucky. The lower South and Delaware voted for Breckinridge and Lane, and the remaining States of the Union for Lincoln and Hamlin.

The successful candidates, even outside of the States which became the Confederacy, received less than one-half of the popular vote. The total popular vote was 4,680,193. Of these, Lincoln had 1,866,452. "The 'American people,' says his biog-

rapher, Morse, "fell enormously short of showing a majority in his favor."¹

Davis's name in the decade preceding the election of 1860 had been frequently suggested for the Democratic presidential nomination. In the convention which assembled in Baltimore in 1852 and nominated Pierce and King, he had been warmly supported by some of the delegates and especially by the delegation from Douglas's own State of Illinois, which voted for him to the last. He had always refused, however, to be a candidate, and when the democracy gathered to its ill-fated disruption in Charleston in 1860, he had requested his friends who desired to nominate him not to present his name. Yet, in spite of his refusal to enter the lists, he received an earnest and persistent support, including that of a number of New Englanders; and Benjamin F. Butler, of Massachusetts, afterward wrote concerning the episode: "I voted fifty-seven times for the nomination of Jefferson Davis."²

After the election of Lincoln, a State convention was held in Mississippi, pursuant to an act of the legislature passed in anticipation of the event. In an advisory conference participated in by the United States senators and representatives of the State at Jackson, on the third Monday of November,

¹ Morse, *Lincoln* (S. S.), I, p. 179, note 2.

² Dodd, *Life*, p. 173, note, citing "Butler Letter in Johnson Papers, Library of Congress."

1860, upon the invitation of the governor, Davis, though declaring his purpose to sustain the action of Mississippi, whatever it might be, argued earnestly against immediate secession, and counselled further forbearance and deliberation.¹

On December 14, 1860, a number of senators and representatives from the South held a meeting in Washington, and issued an address to their constituents. It was widely circulated North and South, and added fuel to the flame of sectional discord. It stated "the argument is exhausted. . . . In our judgment the Republicans are resolute in the purpose to grant nothing that will or ought to satisfy the South. We are satisfied the honor, safety and independence of the Southern people require the organization of a Southern Confederacy,—a result to be attained only by separate State secession."² The action of the Mississippi delegation at Jackson, and the failure of conciliation through the refusal of the Committee of Thirteen to report favorably the "Crittenden Compromise" providing for an unalterable amendment prohibiting slavery north of the parallel of thirty-six degrees thirty minutes, and recognizing it during the Territorial status south of that line, determined Davis's attitude toward the address. He took part in the con-

¹ Reuben Davis, *Mississippi and Mississippians*, p. 391; Walthall, *Davis*, pp. 38, 39.

² Rhodes, *Hist. U. S.*, III, pp. 177, 178.

ference, and his name appears among the Southern senators who signed it. The passions and purposes of the sections had gone beyond the healing of statesmanship. Neither side could see anything of justice or right in its adversary's position. "Another day in the Senate," wrote Seward, December 11, 1860. "Vaporing by Southern Senators; setting forth the grievances of their section, and requiring Northern Senators to answer, excuse, and offer terms which they are told in the same breath will not be accepted."¹ At the close of the first day's session of the "Crittenden Compromise" Committee, Toombs wrote: "We came to no compromise, and we shall not. I supported Crittenden's Compromise heartily and sincerely, although the sullen obstinacy of Seward made it almost impossible to do anything. . . . At length I saw that the Compromise must fail. With a persistent obstinacy that I have never yet seen surpassed, Seward and his backers refused every overture. I then telegraphed to Atlanta: 'All is at an end. North determined: Seward will not budge an inch; am in favor of secession.'"²

¹ Lothrop, *Seward* (S. S.), p. 212.

² *Ibid.*, p. 64.

CHAPTER X

THE GATES OF WAR

THE theoretical right of secession was coeval with the Federal Constitution. Virginia, New York, and Rhode Island, in ratifying that instrument of reservations and compromises, solemnly and formally declared that it recognized such a right. In the convention it was proposed to invest Congress with the power of coercion, which was the antithesis of secession. The proposition was opposed by Madison, who offered a resolution, adopted without opposition, that "to coerce the States is one of the maddest projects ever devised." It has been said by Davis himself: "The present Union owes its very existence, by separate secession of its members from the former Union, which in its organic principles rested upon precisely the same foundation."¹

The same views were maintained in the resolutions and report of 1798-9, from the pen of Madison, and in the Kentucky resolutions of the same period, written by Jefferson.²

Massachusetts in its act adopting the Constitu-

¹ Davis, *Short History*, pp. 50, 51; *Jour. Fed. Cong.*, IV, pp. 26, 27, 456; *Mad. Papers*, 132.

² *Elliott's Debates*, IV, pp. 540-6.

tion called that instrument a "compact," and Virginia, in its act of ratification, expressly reserved the right of the State to secede at will, and was received into the Union under that agreement. It has been observed that: "it is partisan reading of American history" not to see that from the acceptance of the Constitution in 1790 there has been a tendency to assert the rights of the States and the right of States to sever relations to the Union. New England in 1803 and 1804 tried to get five States to secede—New York, New Jersey, and the New England States. In 1812-14 New England practically withdrew from co-operation with the Union. ¹

In the debate on the Orleans Territory bill, introduced in Congress during the session of 1810-11, to enable the people of the Territory of Orleans to form a constitution and government, and for its admission as a State into the Union, Josiah Quincy, of Massachusetts, declared: "It is my deliberate opinion that if this bill passes, the bonds of the Union are virtually dissolved; that the States which compose it are free from their moral obligations; and as it will be the right of all, so it will be the duty of some, to prepare definitely for a separation, amicably if they can, violently if they must." ²

¹ Powell, *Nullification and Secession*, pp. 69, 70, 90.

² *Abridgment of Debates of Congress*, IV, p. 327; Dyer, *Great Senators*, pp. 160, 161.

There was an appeal from the speaker's decision that the member from Massachusetts was not in order, and the House overruled the speaker by a vote of fifty-six to fifty-three.¹ Quincy's secession declaration antedated Calhoun's entry into Congress by nearly a year.

(In New England, down to 1861, secession was recognized as a constitutional right. It had been affirmatively asserted in the times of the embargo and of the Hartford convention, and the abolitionists were persistent adherents of the doctrine and advocates of its concrete application.² During the period from the adoption of the Articles of Confederation to 1820, it was the subject of repeated threats in different parts of the Union. A separate New England confederation was proposed in 1775;³ secession was feared by Madison in 1783 as a result of the financial collapse of the confederation;⁴ and the danger of it was frequently and freely discussed in the debates of the federal convention.

During the later period of the slavery agitation there are numerous instances in which it was suggested, threatened, or acknowledged, North and South;⁵ and upon the right of its exercise was based

¹ Jervey, *Robert Y. Hayne and His Times*, p. 34; Dyer, *Great Senators*, pp. 160, 161.

² Morse, *J. Q. Adams (S. S.)*, pp. 280, 288.

³ Hosmer, *Samuel Adams (S. S.)*, p. 306.

⁴ Gay, *James Madison (S. S.)*, pp. 35, 36.

⁵ Morse, *Abraham Lincoln (S. S.)*, I, pp. 192, 193.

the last argument of the strict-construction, State-rights, proslavery Democrats of 1861.

The New York *Tribune*, edited by Horace Greeley, a stalwart abolitionist, in its issue of November 10, 1860, said:

And now, if the Cotton States consider the value of the Union debatable, we maintain their perfect right to discuss it. Nay, we hold with Jefferson to the inalienable right of communities to alter or abolish forms of government that have become oppressive or injurious; and if the Cotton States shall decide that they can do better out of the Union than in it, we insist on letting them go in peace. The right to secede may be a revolutionary one, but it exists nevertheless; and we do not see how one party can have a right to do what another party has a right to prevent. We must ever resist the asserted right of any State to remain in the Union and nullify or defy the laws thereof; to withdraw from the Union is quite another matter. And whenever a considerable section of our Union shall deliberately resolve to go out, we shall resist all coercive measures designed to keep it in. We hope never to live in a republic, whereof one section is pinned to the residue with bayonets.¹

In 1861, although the feeling in behalf of the Union prevailed among great numbers of its citizens, especially in the border States of Virginia, Kentucky, Tennessee, and Missouri, the impulse in the direction of secession had grown to be overwhelming in all the States of the South, except those "on the

¹ Cleveland, *Alex. H. Stephens*, p. 155.

border," which joined in the movement at last only when coercion was invoked.

Lincoln's theory of the right of a State to leave the Union was diametrically opposed to that of the Southern leaders, and, as enunciated in his inaugural address, was accepted by his followers as that of the new Republican party. He said: "The Union of these States is perpetual." "No State upon its own mere motion can lawfully get out of the Union." "I shall take care, as the Constitution expressly enjoins upon me, that the laws of the Union be faithfully executed in all the States." He also declared his purpose to hold, occupy, and possess the property and places belonging to the government and to collect the duties and imposts.¹

There was no suggestion in the new federal executive's first official communication of any intention to interfere with the continuance of slavery in the slave States. He was opposed to slavery, and had based his debates with Douglas for the Illinois senatorship on the proposition that the Union could not continue "half-free and half-slave." But he reiterated in his inaugural what he had said in his political addresses: "I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe that I have no lawful right to do so, and I have no in-

¹ *Messages and Papers of the Presidents*, VI, pp. 5-12.

clination to do so.”¹ In 1862 he wrote to Greeley: “If there be those who would not save the Union, unless they could at the same time save slavery, I do not agree with them. If there be those who would not save the Union unless they could at the same time destroy slavery, I do not agree with them. My paramount object is to save the Union, and not either to save or destroy slavery.”²

Always, back of the slavery question, and deeper-rooted, though inextricably interwoven with it, was the economic question, the question of commercial power, and of governmental ways and means. As tobacco had affected the situation in the earlier decades of the Union, so cotton played its part in the later stages of the sectional struggle. “Cotton,” says Doctor Scherer, “made the South a free-trade section and the North protective; cotton lured the South back to slavery; cotton drove the South to seek the annexation of new lands for its plentiful production, and to insist on the maintenance of slave labor on those lands in order to produce it; cotton drove the South to an extreme State-rights position in those great congressional struggles, in which the efforts for territorial expansion became inextricably involved; and cotton at last drove the South to translate extreme State-rights into the terms of secession, while the North, step by

¹ *Messages and Papers*, VI, p. 5.

² Morse, *Lincoln* (S. S.), II, p. 107.

step, lined up on the opposite side of all these questions, which at first had not been sectional at all.”¹

But the statement is extreme. Cotton had no such controlling influence in the great border States of Virginia, North Carolina, Kentucky, and Missouri. Even in the cotton States the economic question was ultimately translated into one of constitutional right and self-protection, and the slaveholder of South Carolina resented any restriction upon Oregon, Utah, and New Mexico, where no cotton could be grown, as earnestly as he did that upon territory adapted to its cultivation. None of the border States was a cotton State. Their sympathies were with the Union. They were slave States, but they were not secession States, and it was only upon the threatened coercion of the cotton States of the lower South, as indicated in Lincoln's call for seventy-five thousand volunteers after the fall of Fort Sumter, that they took sides with their seceding sisters. Their relation to slavery had been largely one of sufferance growing out of necessity. The leaders in Virginia from the time of Washington and Jefferson had been anti-slavery. Washington wrote in 1786 to Robert Morris: “I can only say that there is not a man living who wishes more sincerely than I do to see a plan adopted for the abolition of it.”² Jefferson had arraigned the slave-

¹ Scherer, *Cotton*, p. 253.

² Munford, *Virginia's Attitude*, p. 83.

trade in the original draft of the declaration;¹ and the great military leaders of Virginia in the war between the States had no sympathy with "the institution." Lee never owned a slave except the few he inherited from his mother, all of whom he emancipated many years prior to the war. "Stonewall" Jackson during his life owned only two slaves, a man and a woman, both of whom he purchased at their own solicitation; and to them he gave the opportunity of earning their freedom. The man earned and obtained his; the woman refused, preferring to remain a servant in her master's family. Joseph E. Johnston never owned a slave. A. P. Hill never owned a slave. J. E. B. Stuart owned two, both of whom he got rid of before the war. Fitzhugh Lee never owned a slave. Matthew F. Maury owned one slave only, who continued a servant and member of his family until after the war; and he characterized the "institution" as "a curse,"² and Virginia, which had been the first civilized government in the world to abolish the slave-trade, would have destroyed slavery within its territory in the third decade of the nineteenth century but for the Southampton negro insurrection, in which more than sixty men, women, and children were murdered in a servile uprising, that was believed by many to have been induced through

¹ Munford, *Virginia's Attitude*, p. 19.

² *Ibid.*, pp. 156-8.

the propaganda of the abolitionists of New England.

The Crittenden Compromise measures of 1860, whose object was to save the Union, were regarded with disfavor from the beginning by the Republican senators of the Committee of Thirteen. Differences had become so great between the contending forces, and the passions of the sections were so inflamed, that the two wings of the democracy now became willing to reunite on the proposition as the last hope of preserving the Union. Five of the members of the Committee of Thirteen, of which Crittenden was chairman, were Republicans. The Southern Democrats were three in number, Davis, Hunter, of Virginia, and Toombs, of Georgia. The remaining five were compromise senators from the border States.¹ Davis had proposed, and it had been agreed in the first session of the committee, that no report should be made to the Senate, in which a majority of the Republicans failed to concur. The Democratic senators believed that any report would need to be supported by some substantial coincidence of sentiment to make it worth while. But the committee could agree on no plan which met the views of the Republican members; and Crittenden's ultimate individual presentation of his scheme to the Senate came too late. On March 2, 1861, the day before the final adjournment of Congress, the Crit-

¹ Dodd, *Life*, p. 195.

tenden Compromise was defeated. Every vote given from the six New England States was against it.¹

On December 20, 1860, the date on which the Committee of Thirteen was appointed, South Carolina, by unanimous vote of its people in convention assembled, adopted an ordinance of secession. Thurlow Weed, of New York, was visiting Lincoln at Springfield when the news came, and bore back to Seward, a member of the committee, the newly elected President's message on the proposed settlement:

No compromise on the question of slavery extension: on that point hold firm as steel.²

When the Crittenden Compromise came to be voted on in the committee, Davis, who had offered the suggestion, which had been adopted, in regard to the concurrence of a Republican majority, voted against the first clause, and Toombs voted with him. Davis's enemies charged him with its defeat, but his vote was consistent with his previous attitude; and the abolitionists intended to have no compromise.³

In the meantime, in anticipation of the action of their State convention, the South Carolina delegation in Congress, on December 8, 1860, visited

¹ *Mr. Buchanan's Administration*, p. 143.

² Dodd, *Life*, p. 196, note citing Rhodes.

³ Dodd, *Life*, pp. 195, 196.

President Buchanan to gain an understanding about the forts at Charleston. They gave the President written assurance that Major Anderson, who was in command of the Union garrison at Fort Moultrie, would not be attacked by South Carolina if the military status of the forts should continue unchanged; and they left the White House in the belief that no aid of any kind would be sent by the government to the forts.

On December 26, within a week after the State had seceded, commissioners arrived in Washington from the new government of South Carolina, authorized to treat for the ownership of the forts then held by the federal forces. Before the commissioners could see Buchanan, news came that Anderson had moved his garrison from Fort Moultrie to Fort Sumter, a stronger position at the mouth of the harbor and commanding it. Davis, upon learning of this, went with Hunter, of Virginia, and William H. Trescott, assistant secretary of war, to the White House, and said to the President that he had a great calamity to announce. He informed him of Anderson's action, and earnestly urged that Anderson and his garrison force be ordered back to Moultrie. Buchanan referred the matter to his cabinet, who decided, under the influence of Holt, a Douglas Democrat who had succeeded Floyd in the War Department and was later conspicuous for his efforts to associate Davis with the assassina-

tion of President Lincoln, that Anderson's action should be sustained. A few days later the steamer *Star of the West*, with men, arms, and provisions, was secretly ordered to go from New York to the relief of Sumter. Its mission could have no other meaning than war. News of the steamer's departure reached Charleston in advance of its arrival, and it was fired on, at the mouth of the harbor, by the Carolinians, and returned.¹

On January 9, 1861, Davis again visited Buchanan, and again urged some adjustment of the situation at Charleston; but he received no encouragement. "Personally," he writes, "I urged the President to withdraw this garrison, as it only served as a menace,—for it was utterly incapable of holding the fort if attacked; while nothing would have operated more powerfully to quiet the apprehensions and allay the resentment of the people of South Carolina than the withdrawal of the impotent menace."² He received no encouragement from Buchanan, and upon his return from the White House to the Senate the same day, he caused to be read in that body the reply of the South Carolina commissioners to the administration's refusal to interfere with the situation at Sumter.³ Believing that the country was entitled to a knowledge of this important paper, which presented a strong

¹ Dodd, *Life*, p. 201.

² *Short History*, p. 57.

³ *O. R. Series I*, vol. I, p. 120.

statement of the case for secession, and which had not accompanied the President's message on the subject, he sent a certified copy to the clerk's desk, and succeeded in getting the justification made by the commissioners into the record of the Senate.¹

On the day on which the *Star of the West* had sailed, and Davis had paid his last visit of conciliation to the White House, in an unsuccessful effort to avert a collision at Charleston, Mississippi followed South Carolina's lead, and went out of the Union. Florida seceded January 10, Alabama January 11, Georgia January 18, and Louisiana, January 26. The conventions of these seceding States united with South Carolina in naming February 4, 1861, as the day, and Montgomery, Alabama, as the place, for the assembly of a Southern Congress, to which each State convention should appoint delegates.²

On January 20 Davis addressed the Senate, discussing at length the "compact" theory of the Constitution, the doctrine of State sovereignty, and the reserved rights of the States, and among them the right of secession, as basic and inalienable.

In this discourse he said:

It may be pardoned me, sir, who in my boyhood was given to the military service, and who have followed under

¹ *Cong. Globe*, 36th Cong., 2d sess., Jan. 9; Dodd, *Life*, pp. 202, 203.

² Davis, *Short History*, p. 59.

tropical suns and over northern snows the flag of the Union, suffering for it as it does not become me to speak, if I here express the deep sorrow which always overwhelms me, when I think of taking a last leave of that object of early affection and proud association, feeling that henceforth it is not to be the banner which, by day and by night, I am ready to follow, to hail at the rising and bless at the setting sun. But God, who knows the hearts of men, will judge between you and us, at whose door lies the responsibility of this. Men will see the efforts I have made here and elsewhere; that I have been silent when words would not avail, have curbed an impatient temper, and hoped that conciliatory counsels might do that which I knew could not be effected by harsh means. And yet the only response which has come from the other side has been a stolid indifference, as though it mattered not. "Let the temple fall, we do not care."¹

On January 21, 1861, with other Southern senators, he bade formal farewell to the Senate in an address in which he said in conclusion:

In the course of my service here, associated at different times with a great variety of Senators, I see now around me some with whom I have served long; there have been points of collision, but whatever of offense there has been to me I leave here. I carry with me no hostile remembrance. Whatever offense I have given, which has not been redressed, or for which satisfaction has not been demanded, I have, Senators, in this hour of our parting, to offer you my apology for any pain which, in the heat of the discussion, I have inflicted. I go hence unencum-

¹ Pamphlet, *Speech on the Condition of Things in South Carolina*, 1861, pp. 12, 13.

bered by the remembrance of any injury received, and having discharged the duty of making the only reparation in my power for any injury offered.¹

The Mississippi convention, after adopting its ordinance of secession, had provided for a levy of ten thousand men, and without his knowledge had elected him commander-in-chief of the State forces with the rank of major-general. He accepted the commission which he found awaiting him on his arrival at Jackson. It was an office for the discharge of whose duties he confidently approved himself, and he went to work at once to raise and organize his troops.

Charges had been intimated among the Republican leaders in Washington, before his departure from the national capital, that he and other Southern senators were engaged in treasonable conspiracies against the government which warranted their arrest and imprisonment. In tense periods of political crisis exaggerated feelings often precipitate illogical action; but, fortunately and justly, in this instance the suggestion of the arrest and imprisonment of the Southern leaders, and notably of Davis, was not carried out. His enemies also charged him with the crime of holding his seat in the Senate for two weeks after his State had seceded.²

¹ *Library of So. Lit.*, vol. III, p. 1266; *Memoir*, I, pp. 687-695.

² Dodd, *Life*, p. 207.

In regard to this, he afterward wrote:

It was alleged,—and the Comte de Paris has specially singled out my name in connection with this disgraceful charge,—that we held our seats as a vantage-ground for plotting for the dismemberment of the Union. It is a charge which no accuser ever made in my presence, although I have in public debate more than once challenged its assertion, and denounced its falsehood. . . . As long as I held a seat in the Senate, my best efforts were directed to the maintenance of the Constitution, and the Union resulting from it, and to make the Government an effective agent of the States for its prescribed purposes. As soon as the paramount allegiance due to Mississippi forbade a continuance of these efforts, I withdrew from the United States Senate. To say that, during this period, I did nothing in conflict with what was done or proposed openly would be merely to assert my own integrity, an assertion which would be worthless to those who doubt it, and superfluous to those who believe in it. What is said here on the subject for myself, I believe to be also true of my associates in Congress.¹

His withdrawal from the Senate, January 21, 1861, took place immediately after he received official information of the secession of Mississippi; and he remained in Washington for a week after his resignation, before starting South, a part of the time ill and confined to his bed.

The four brigadiers designated by the State convention met him at Jackson, and after he had pre-

¹ *Short History*, pp. 54, 55; Dodd, *Life*, p. 208.

pared, with their assistance, necessary rules and regulations for the military forces which they were yet to raise and command and had mapped out a scheme for the division of the State into military districts, for the apportionment of quotas of troops to be furnished by each, and for the organization of a general staff, he states that "such measures as were practicable were taken to obtain necessary arms." He adds to this the further statement that "the State had few serviceable weapons and no establishment for their manufacture or repair. This fact (which is as true of other Southern States as of Mississippi) is a clear proof of the absence of any desire or expectation of war."¹

The people of the South had generally anticipated a peaceful withdrawal from the Union, when the inevitable moment should arrive. But Davis never indulged this illusion. His most earnest efforts had been put forward to prevent what he early perceived would be a sanguinary struggle. He said to Governor Pettus, who met him at Jackson for the purpose of consulting him about the acquisition of arms by the State, and who thought that seventy-five thousand muskets would be sufficient: "The limit of our purchases should be our power to pay. We shall need all and many more than we can get, I fear."²

He went from Jackson to Briarfield, to set his

¹ *Memoir*, II, p. 9.

² *Memoir*, II, p. 8.

house in order for what he reasonably anticipated would be a long absence. He conferred with the negroes on the place, advising them of their duties and responsibilities; and to those in whose judgment and loyalty he had the greatest confidence, he said: "You may have to defend your mistress and her children, and I feel I may trust you."¹

¹ *Memoir*, II, p. 11.

CHAPTER XI

FORT SUMTER

THE Congress of delegates elected by the conventions of the seceding States met in Montgomery, February 4, 1861, and prepared a provisional constitution for the Confederate States of America, which was adopted February 8, with the agreement that it was to remain in force for one year, unless sooner superseded by a permanent instrument.

It was modelled on the Constitution of the United States, but with the uncertainties and obscurities of the earlier instrument eliminated. The term of the President was fixed at six years, and he was made ineligible to re-election. This was a recurrence to the original draft of the Federal Constitution of 1787. His power of absolute removal was confined to cabinet officers and diplomatic agents. All other removals must be for cause, and reported to the Senate. Cabinet officers were, after the manner of the English Constitution, entitled to a seat on the floor of Congress and the right to participate in debate. Protective tariff duties and governmental bounties were prohibited. A two-thirds vote was required for the admission of a State, with the Senate voting by States. Property in slaves

was expressly recognized and guaranteed, and the further importation of negro slaves from any other country than the slaveholding States and Territories of the United States was prohibited. Congress was empowered to prevent the importation of slaves from any outside State or Territory.¹

Alexander H. Stephens, Unionist Whig, who had been in recent correspondence with Lincoln, and who had exhausted every effort to prevent secession in Georgia, was a member of the Congress. He paid a tribute to his associates in that assembly, in recording of them: "Upon the whole, this Congress taken all in all, is the ablest, soberest, most intelligent and conservative body I was ever in."²

Of the provisional constitution, and that subsequently adopted upon the permanent organization of the government, which did not differ materially from it, Stephens later said:

The whole document negatives the idea, which so many have been endeavoring to put in the enduring form of history, that the Convention at Montgomery was nothing but a set of conspirators, whose object was the overthrow of the principles of the Constitution of the United States, and the creation of a great "slave-oligarchy," instead of the free institutions thereby secured and guaranteed. The work of the Montgomery Convention, with that of

¹ "Confederate Constitution," Bryce's *Am. Commonwealth*, I, p. 653; *Short History*, pp. 65, 66.

² Johnston and Brown, *Life of Stephens*, p. 392; Dodd, *Life*, p. 217.

the Convention for a Provisional Government, will ever remain not only as a monument of the wisdom, forecast and statesmanship of the men who constituted it, but an everlasting refutation of the charges which have been brought against them. These Constitutions, provisional and permanent, together show clearly that the only leading object of their framers was to sustain, uphold and perpetuate the fundamental principles of the Constitution of the United States.¹

On February 9, 1861, the Congress elected Davis President and Stephens Vice-President, each of whom had used his most earnest efforts, though along different lines of political action, to continue and perpetuate the constitutional Union of the States.

The political and economic movements of the preceding twenty-five or thirty years throughout the civilized world had been tremendous and portentous. The humanitarian anti-slavery development had been world-wide. England, France, and Denmark had taken action against what the American abolitionists denominated the "relic of mediæval barbarism." Governments, societies, and individuals of intellectuality and power, at home and abroad, had given to the anti-slavery propaganda of New England and the central Western communities the stimulus of appeal to "the higher law," against which the constitutional argument of

¹ *Short History*, pp. 66, 67; Stephens, *History, U. S.*, pp. 600, 601.

written reservations and concessions, of checks and balances, were "scraps of paper."

Interwoven inextricably with the question of slavery in the Territories, with the proposition for the abolition of slavery throughout the Union, with the significance of cotton as a world-power, with the equilibrium of the States in a federal and anti-federal system, were the antagonisms of two peoples, dissimilar in occupations, in local institutions, in economic interests, and in social life and methods.¹ How many and how diverse interests and influences dominated the crucial political movement of secession is indicated in Doctor Seligman's observation:

Had the Northern and Western States been subjected to the same climatic and economic conditions, there is little doubt that . . . they would have completely shared the moral views of their Southern brethren. Men are what conditions make them, and ethical ideas are not exempt from the same inexorable law of environment.²

Events moved with great rapidity in the late winter of 1860 and the early spring of 1861. The withdrawal of the Southern members of Congress left the Republicans in control of both Houses, and Kansas, over which the sections had struggled for years, was admitted as a free State. The Morrill

¹ Lyon G. Tyler, letter in the *Virginia Gazette* (Williamsburg, Va.), September 21, 1916.

² *The Economic Interpretation of History*, p. 128; *Cotton*, p. 229, note 2.

Tariff of 1861, a protective measure, passed both Houses and became a law. "Its great object," says Doctor Alexander Johnston, "was the protection of manufactures, revenue being a secondary consideration."¹

On February 4, 1861, the Peace Convention, organized upon the initiative of Virginia, and suggested and presided over by the venerable ex-President John Tyler, assembled at Washington, in the hope of adjusting the sectional differences. Representatives were present during its sessions from twenty-one States, and Virginia recommended the adoption of the Crittenden Compromise in a slightly modified form. Massachusetts and Rhode Island appointed delegates, without instructions; but all the other Northern Republican States agreed in advance that they would not assent to the Virginia proposition, and would stand on the platform that the Constitution "fairly construed and faithfully obeyed" was sufficient, without amendments, for the needs of the country. Zachariah Chandler, senator from Michigan, wrote, February 11, from Washington to Governor Blair of his State: "Governor Bingham and myself telegraphed you Saturday at the request of Massachusetts and New York, to send delegates to the Peace or Compromise Con-

¹ *Am. Politics*, pp. 195, 196. See *Am. Hist. Rev.*, Oct., 1916, "The Influence of Manufactures upon Political Sentiment in U. S. from 1820 to 1860."

gress. They admit that we were right and that they were wrong; that no Republican State should have sent delegates; but they are here, and cannot get away. Ohio, Indiana, Rhode Island are caving in, and there is danger of Illinois; and now they beg us, for God's sake, to come to their rescue and save the Republican party from rupture. The whole thing was gotten up against my judgment and advice, and will end in thin smoke. Still, I hope as a matter of courtesy to some of our erring brethren, that you will send the delegates." He added the postscript: "Some of the manufacturing States think that a fight would be awful. Without a little blood-letting this Union will not, in my estimation, be worth a rush." ¹

There was slight spirit of conciliation among the members of the conference from the Northern States, and Chase, then senator from Ohio, spoke the sentiment of his party associates in declaring to the Southern delegates that the Northern States would never fulfil that part of the Constitution which required the return of fugitives from service. "The clause in the Constitution concerning this class of persons," he said, "is regarded by almost all men, North and South, as a stipulation for the surrender to their masters of slaves escaping into free States. The people of the free States, however,

¹ Chittenden, *Proceedings of the Peace Convention*, p. 468; Munford, *Virginia's Attitude*, pp. 253, 254.

who believe that slaveholding is wrong, cannot and will not aid in reclamation; and the stipulation becomes therefore a dead letter.”¹

The Peace Conference ended “in thin smoke,” and the “blood-letting” followed. Rhodes, writing of the gathering, says: “The historical significance of the Peace Convention consists in the evidence it affords of the attachment of the Border Slave States to the Union.”²

Virginia, North Carolina, and Tennessee were still in the Union, but with conventions in session, or in process of election, to meet developing circumstances. In the Virginia convention the Unionists had a strong majority, and the sentiment both in North Carolina and Tennessee was against secession.³

Confederate commissioners, three in number, were sent by Davis from Montgomery to Washington, to conduct negotiations looking toward a recognition of the Confederate States.⁴ Two of them were anti-secessionists, and the third a Breckinridge Democrat. Their dealings with the secretary were conducted through Judge Campbell, a Southern member of the supreme court. Lincoln authorized Seward “to give assurance through Judge Campbell that no provisioning or reinforcement [of Sumter]

¹ Stephens, *History of U. S.*, pp. 590, 591.

² *History*, III, p. 307.

³ Munford, *Virginia's Attitude*, pp. 255 ff.

⁴ Stephens, *History of U. S.*, p. 602.

should be attempted without warning. Thus he secured or continued a sort of truce, irregular and informal, but practical.”¹ Seward promised the commissioners through Judge Campbell that “there should be no collision,” and added, “if this whole matter is not satisfactorily settled within sixty days after I am seated in the saddle and hold the reins firmly in my hand, I will give you my head for a football.”² Campbell addressed Seward a letter, April 7, on the subject of his previous assurances, and the secretary replied: “Faith as to Sumter fully kept. Wait and see.” In the meantime a fleet had put to sea from New York for the purpose of reinforcing and provisioning the fort, “peaceably,” if permitted, “otherwise by force.”³

Stanton, who had been a member of Buchanan’s cabinet, wrote the ex-President on March 16, 1861:

The Republicans are beginning to think that a monstrous blunder was made in the tariff bill, and that it will cut off the trade of New York, build up New Orleans, and the Southern ports, and leave the government no revenue; they see before them the prospect of soon being without money and without credit. But with all this it is certain that Anderson will be withdrawn.⁴

¹ Morse, *Life of Lincoln* (S. S.), I, p. 245.

² Coleman, *Crittenden*, II, p. 338; Tyler, *Letters and Times*, II, p. 633; C. F. Adams, *Autobiography*, pp. 105-7.

³ Stephens, *War between the States*, II, p. 346; Tyler, *Letters and Times*, II, p. 635; Coleman, *Crittenden*, II, p. 338.

⁴ Tyler, *Letters and Times*, II, p. 636.

In the early days of April, 1861, when the Virginia convention had been in session for weeks, debating the question of secession, and making a new constitution for the commonwealth, with Union sentiment in absolute control, Seward sent a personal emissary on a confidential embassy to John Janney, president of the convention, Alexander H. H. Stuart, who had been Fillmore's secretary of the interior, and other Union men, who were among its members. The message conveyed was that it was important for some one of them to see the President, but that the public should not know. John B. Baldwin, a Union member, was selected to call at the White House. Lincoln accorded him a private interview, and Baldwin in a brief conversation convinced him of the desire of the border slave States to remain in the Union. The President said: "I ought to have known this sooner. Why did you not come here four days ago and tell me all this? You are too late!" Baldwin assured him that it was not too late, but that a simple proclamation that the Federal Government had no right to coerce sovereign States by force of arms, and that the purpose of the administration was one of conciliation, would not only effectually conclude the secession movement in the slave States which had not yet gone out, but would bring back into the Union those which had seceded, as had been the case with Rhode Island and North Carolina in 1790.

The question of the Territories, urged Baldwin, had no such importance in the eyes of the border States as to drive them into secession, but coercion would be considered a *casus belli*. To this the President replied: "But what am I to do in the meantime with those men at Montgomery? Am I to let them go on?" "Until they can be peacefully brought back," was the reply. "And open Charleston as a port of entry, with their ten per cent tariff? What then would become of my tariff?" This last question Baldwin stated the President propounded with such emphasis as showed that it concluded the whole matter.¹

In 1833 the Northern high-tariff men favored war with South Carolina rather than a reduction of the tariff rates. The Morrill Tariff of 1861 included rates ranging from fifty per cent to two hundred per cent, in face of impending war with all the Southern States. The Confederate Congress at Montgomery adopted a rival schedule, with rates as low as ten per cent and twenty per cent. The free trade of the English Cobdenites seemed imminent in event of the success of the South. Europe was for free trade, and the seceding cotton States counted with apparent reason on the sentiment. This, perhaps, besides the successes of the South

¹ Doctor R. L. Dabney, "Narrative of Col. Baldwin's Interview," *So. Hist. Soc. Papers*, i, p. 443; *Ibid.*, ix, p. 88; Tyler, *Letters and Times*, II, pp. 637, 638.

in the field, had something to do with inspiring the speech of Gladstone at Newcastle, scarcely more than a year after the war began:

There is no doubt that Jefferson Davis and other leaders of the South have made an army; they are making, it appears, a navy; and they have made what is more than either,—they have made a nation. . . . We may anticipate with certainty the success of the Southern States so far as regards their separation from the North. I cannot but believe that that event is as certain as any event yet future and contingent can be.¹

The European continent was impressed with the idea that cotton was king, and the lower South laid much stress upon it as the means of winning independence. On the other hand, the loss of cotton and the cotton States to the Union, as a result of secession, meant to the manufacturing North a loss of political power and the contiguous presence of a low-tariff people, whose independent and sovereign States, though members of one central government, would constitute at the same time a social, economic, and political organization totally antagonistic to its own.

Viewed, therefore, in its ultimate aspects the war which ensued was a war on the part of one nation to subject the other to its control. And at this distance of time there can be little doubt that the action of the North in prosecuting the war was

¹ C. F. Adams, *Life of C. F. Adams (S. S.)*, p. 280; *Cotton*, p. 276.

an infringement of the principle, set out in the Declaration of Independence, of government based on the consent of the governed. [“By fighting a four years’ war on equal terms with the powerful North, it, (the South) gave the best proof of its right to exist in the sun as an independent nation. After drawing in vain on his own population, and that of Europe to suppress the South, Lincoln resorted to forcible enlistments from the South’s own population to achieve his victory, confessing that without the negro troops the North would be compelled to abandon the War in three weeks.”¹]

On April 9 the Confederate commissioners addressed Seward a note in which they said that the sending of the fleet to reinforce Sumter would be received as a “declaration of war against the Confederate States.”

“From subsequent disclosures,” writes Stephens, “it appears that it was the intention of Mr. Lincoln to withdraw the Federal forces from Fort Sumter at an early day, when assurance to that effect was given; but when this intention became known, in party circles, the governors of seven of the Northern States, which were under the control of the agitators, assembled in Washington and prevailed on him to change his policy.”²

¹ Lyon G. Tyler, in *William and Mary College Quarterly*, xxvi, p. 13.

² *History U. S.*, pp. 608, 609; Tyler, *Letters and Times*, II, p. 633; *W. & M. Coll. Quarterly*, xxiv, p. 75.

After the fleet had sailed notice was given on April 8, not to the Confederate commissioners, but to Pickens, the governor of South Carolina, of a change in the administration's policy in regard to the assurance which Seward had given the commissioners.

The expedition was expected to reach Charleston harbor on April 9. Learning that it had sailed, the Confederate Government instructed Beauregard, who was in command at the Carolina capital, to demand the evacuation of Sumter, and to proceed to reduce it, if Anderson refused to surrender. The refusal was made, and on the morning of April 13 the Confederate batteries opened fire on the fort. The bombardment continued for nearly thirty-four hours, when the fort took fire, and Anderson, after a gallant defense, was forced to yield. No blood was shed on either side.

Greeley wrote of the event, that "whether the bombardment of Fort Sumter shall or shall not be justified by posterity, it is clear that the Confederacy had no alternative but its own dissolution."¹

Davis says of it: "After the assault was made by the hostile descent of the fleet, the reduction of Fort Sumter was a measure of defense rendered absolutely and immediately necessary."²

Two days later Lincoln issued a call for seventy-five thousand troops to suppress "combinations too

¹ *Am. Conflict*, I, p. 449.

² *Short Hist.*, p. 69.

powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by law.”¹ On April 17 the Virginia Union Convention, which had been in session since February, adopted an ordinance of secession as the answer of the Commonwealth to proposed coercion; and turned over to the use of the Confederate Government the much-needed military resources of the State, including thirty-six thousand militia and volunteers then under arms, some batteries and ships, and a good armory.² The secession of Virginia was followed by that of North Carolina, Tennessee, and Arkansas.

In the meantime, Davis, to whom his election as President had come as a surprise, and who would have preferred military service under the Confederacy, set out from Briarfield to the seat of the new government at Montgomery. He wrote of his election, at a later date:

I thought myself better adapted to command in the field, and Mississippi had given me the position which I preferred to any other,—the highest rank in her army. It was therefore that I afterward said, in an address delivered in the Capitol, before the Legislature of the State, with reference to my election to the Presidency of the Confederacy, that the duty to which I was thus called was temporary, and that I expected to be soon with the army of Mississippi again.³

¹ Tyler, *Letters and Times*, II, p. 639.

² *Ibid.*, II, p. 641.

³ *Memoir*, II, p. 18.

In his journey to Montgomery his train was met at all stopping-places by crowds, to whom he declared his belief that there would be a long and bloody war, and he advised them that it behooved every one to "put his house in order." He expressed this opinion, also, in private conversation with prominent men, who imagined that the withdrawal of the States would be peaceable, and that there would be no bloodshed. These speeches and conversations were misrepresented in contemporary Northern newspapers, which stated that in them Davis invoked war and threatened devastation to the North.¹ He was greeted at Montgomery by Yancey, who presented him to the assembled crowd with the announcement that "the man and the hour have met."

On February 18 he was inaugurated, and delivered an address in which he discussed the constitutional rights and obligations of the new government, and the questions of a tariff and of the respective interests of North and South in the exchange of commodities and products.

"If a just perception of mutual interest," he said, "shall permit us peaceably to pursue our separate political career, my most earnest desire will have been fulfilled."

He made no mention of slavery, and left his hearers under no illusion as to what position his

¹ *Memoir*, II, p. 21; *Short Hist.*, p. 60; *Dodd, Life*, p. 222.

government would take in the event of recourse to arms by the North. After asserting that there could be but little rivalry between "ours, and any manufacturing or navigating community, such as the North-eastern States of the American Union," and expressing the wish that their relations might be peaceful, he said: "But if this be denied to us, and the integrity of our territory and jurisdiction be assailed it will but remain for us, with firm resolve, to appeal to arms and invoke the blessings of Providence on a just cause."

He advised the formation of an army and navy, and said that if war should occur, "there would be no considerable diminution in the production of the staples which have constituted our exports, and in which the commercial world has an interest scarcely less than our own."

He concluded the address with a characteristic peroration:

It is joyous in the midst of perilous times to look around upon a people united in heart; where one purpose of high resolve animates and actuates the whole; where the sacrifices to be made are not weighed in the balance against honor and right and liberty and equality. Obstacles may retard, they cannot long prevent the progress of a movement sanctified by its justice and sustained by a virtuous people. Reverently let us invoke the God of our fathers to guide and protect us in our efforts to perpetuate the principles, which by His blessing they were able to vindicate, establish, and transmit to their pos-

terity, and with a continuance of His favor, ever gratefully acknowledged, we may hopefully look forward to success, to peace, and to prosperity.¹

The moderation of Davis's inaugural and the knowledge of his former efforts for peace and conciliation caused adverse criticism of the new administration from the extreme men of the South. Mrs. Davis records that "a secession man said: 'We see that he thinks we ought to assert our rights, but we began to fear that he had stayed too long up there with the Yankees'" ; while Rhett charged in the Charleston *Mercury* that "Jefferson Davis will exert all his powers to reunite the Confederacy to the Empire." ²

¹ Davis, *Rise and Fall*, I, pp. 232-6; *Memoir*, II, pp. 23-32; *So. Hist. Soc. Papers*, i, pp. 19-23.

² Dodd, *Life*, p. 221.

CHAPTER XII

WAR MEASURES

THE first Confederate cabinet was selected by Davis upon "considerations of public welfare."¹ No one of its members was his close personal friend, and with two of them he had had no previous acquaintance. Robert Toombs, of Georgia, who was first a Whig and later a "Compromise" Democrat, and whose lectures on slavery in the New England States had recently made a favorable impression in the North, was made secretary of state. Toombs later became one of Davis's bitterest political opponents and critics. The secretary of the treasury was C. G. Meminger, who had been a consistent opponent of extreme measures in the matter of slavery in the Territories, and opposed to both nullification and secession. Leroy P. Walker, from the Union section of Alabama, whom Davis appointed upon the recommendation of Clement C. Clay, after Clay had declined the position, was chosen as secretary of war. The Navy Department went to Stephen R. Mallory, who on the secession of Florida resigned from the United States Senate, where he had held the chairmanship of naval affairs. Judah P. Ben-

¹ *Short History*, II, p. 61.

jamin, a former Whig and later State-rights Democrat, became attorney-general.¹ Benjamin continued in Davis's cabinet until the fall of the Confederacy, much of the time as secretary of state, and their personal and official relations during all this period were very close. John H. Reagan, of Texas, a conservative Democrat, was made postmaster-general, in succession to Henry T. Ellett, of Mississippi, who held the office about a week.

There were incongruous elements in the cabinet, and it did not long continue as first constituted. Toombs, a man of great vigor of intellect and independence of action, had been a candidate for the Confederate presidency. He remained one of Davis's official advisers only a few months, and then resigned to become a brigadier-general in the field. Alexander H. Stephens considered Toombs well fitted to be secretary of war. When the suggestion was made to him, he wrote: "I would not be Mr. Davis's chief clerk. His Secretary of War can never be anything else."²

Benjamin was the only member of the cabinet who believed with his chief that secession would be followed by war. Walker, the secretary of war, says that at the first meeting of the cabinet, Mr. Benjamin proposed that the government should buy

¹ Bradford, *Confederate Portraits*, p. 143; Butler, *Benjamin*, pp. 177, 178.

² Bradford, *Confederate Portraits*, p. 208, citing Pleasant A. Stovall, *Robert Toombs*, p. 242.

as much cotton as it could hold, at least one hundred thousand bales, and ship it at once to England. "With the proceeds of part of it, he advised the immediate purchase of at least one hundred and fifty thousand stands of small arms and guns and munitions in corresponding amounts,—I forget the exact figures. The residue of the cotton was to be held as a basis for credit. For, said Benjamin, we are entering on a contest that must be long and costly. All the rest of us fairly ridiculed the idea of a serious war."¹

Benjamin's cotton basis of "preparedness" was not adopted; but Davis and his government at once began to make preparation. Captain Raphael Semmes, later of *Alabama* fame, was sent North to obtain arms, ammunition, and machinery; and Major Caleb Huse, who had been commandant of the Alabama State University, was despatched to Europe to make contracts for a supply of military material. Few of Semmes's purchases were delivered, on account of the interference of the Northern civil authorities; and the ships and vessels which he had also been instructed to buy, were not found. Huse made some purchases abroad, but the European contracts were soon shut off by the federal blockade.

The Southern railroads, insufficient in mileage and deficient in rolling-stock, were inadequate to

¹ Butler, *Benjamin*, p. 234.

the effective transportation either of troops or supplies. The arms, ammunition, and material received from Virginia constituted nearly the sole military equipment in the South when the first encounter took place at Manassas in the following July. The armory at Harper's Ferry, where John Brown's raid had terminated in October, 1859, was the only arsenal at the time in the South. When the federal troops left Harper's Ferry, in 1861, they set fire to it. The fire was extinguished by the citizens, and a large part of its machinery and equipment was saved. This was subsequently sent to arsenals established at Richmond and Fayetteville, and furnished the means of war-supplies and repairs of a later period.¹

The first bill of the Provisional Congress was one for the enlistment of troops for a period of sixty days. Davis desired the time to be enlarged to a term of years, and finally succeeded in getting it extended to twelve months, "unless sooner discharged."²

Such arms and munitions as existed in the South were regarded as belonging to the States, and could be used by the general government only with their consent. The forces were organized under State laws, and had to be received with their officers thus appointed. The designation of general officers was committed to the Confederate Government.

A law was enacted providing for the appointment

¹ *Short History*, p. 75.

² *Ibid.*, p. 77.

to their relative rank in the Confederate army of officers who had resigned from the United States army. Under this statute Samuel Cooper became adjutant-general, L. P. Moore surgeon-general, Josiah Gorgas chief of ordnance, and L. B. Northrop commissary-general. The three highest general officers, after Virginia entered the Confederacy, named by Davis were Cooper, Albert Sidney Johnston, and Robert E. Lee, a designation which marks the inception of the differences between the President and General Joseph E. Johnston, which began immediately after the battle of Manassas, and continued to Johnston's surrender.¹

The Provisional Congress adjourned in May, to meet again on the 20th of July at Richmond, and Davis soon afterward removed the executive departments and archives to the new capital.

The Confederate forces at that time in Virginia were divided into three armies, occupying what were thought to be the most important positions in the State. Joseph E. Johnston's command was at Harper's Ferry, that of Beauregard at Manassas, covering the direct approach of any invading force which might move on Richmond from Washington, while the third command, under Huger and Magruder, was on the peninsula lying between the York and James Rivers.

¹ *Short History*, pp. 77, 78; *Memoir*, II, chapter XIV; Bradford, *Confederate Portraits*, pp. 10-17.

The Union forces, gathered at Washington, crossed the Potomac, and on July 21, 1861, the battle of Manassas was fought, with disastrous results to the invading army, which, defeated and thrown into confusion, became a rout.

Davis, in anticipation of the battle, had intended to be present on the field before the conflict began, but was detained in Richmond by manifold details of his office, to which he insisted on giving his personal supervision. All orders, instructions, and plans were personally directed by him at this period, when his neuralgic malady confined him to a sick-room; and the council which determined the plan of battle was held in the President's bedchamber.

On July 21 he hastened to Manassas, and arrived upon what appeared a scene of demoralization if not of defeat. But he beheld shortly afterward the overwhelming rout and complete demoralization of the Union forces, who retreated toward Washington in great confusion.

In conference with Beauregard and Johnston he discussed the feasibility of immediate pursuit and a march on Washington, and wrote a tentative order to General Bonham to prepare his forces for a movement on the federal capital. He was finally persuaded that such an attempt would prove abortive, and the order was suppressed.

His critics charged him with the responsibility of failing to follow up the victory at Manassas.

To this his reply was: "I had in no way interfered with the plans of action of the officers in charge." The true reason that there was no advance on the federal capital was twofold. First, "in our condition," said General Johnston, "pursuit could not be thought of; for we were almost as much disorganized by our victory as the Federals by their defeat. Next day, many, supposing the war was over, actually went home."¹ Again, as late as September, Johnston's guns were practically without ammunition, and he was hardly in position the night of July 21 to order an advance upon Washington, with a view of forcing his way through the outlying defenses, and laying siege to the national capital.²

The defeat at Manassas inspired a renewal of the energies of the Federal Congress, then in extra session, to "preparedness" and action. Bills were passed to effectuate the blockade which Lincoln had declared in answer to Davis's proclamation inviting the issue of letters of marque and reprisal against the commerce of the United States.³ In his declaration of blockade, which included all Southern ports from South Carolina to Texas, issued on April 19, 1861, he proclaimed that privateers acting under the pretended authority of the

¹ Swinton, *Campaigns*, p. 59.

² Wise, *Long Arm of Lee*, I, pp. 24, 76, 139.

³ Rhodes, *Hist.*, III, p. 364; *Messages and Papers*, vi, pp. 14, 15.

Confederate letters of marque would be treated as pirates, and Davis retorted with the threat of retaliation.¹

In addition to its bill to strengthen the blockade, the Federal Congress took measures to provide money for putting down "the rebellion," authorized a call for five hundred thousand volunteers, denounced the penalties of treason against the people of the South and all their abettors and aiders in the North, authorized the suspension of the writ of *habeas corpus* in certain parts of the country, provided for the confiscation of all private property including slaves employed against the Federal Government, and by the tariff act of August 5, 1861, increased the duties on imports.²

The blockade crippled and finally destroyed altogether the foreign commerce of the Confederacy, preventing the sale abroad of its chief commercial product, cotton, and the bringing in of supplies and materials essential to an efficient conduct of the war.

In 1861 the South produced through its slave system two million four hundred thousand bales of cotton, the greater part of which, but for the blockade, would have gone to the mills of England and France, and would have furnished a great revenue. Of this, England actually received only about fifty thousand bales, and France a negligible

¹ Rhodes, *Hist.*, III, p. 429, note.

² Johnston, *Am. Politics*, p. 200.

quantity. In 1862 one of Davis's cabinet members spoke of "the almost total cessation of foreign commerce for the last two years" as creating "a complete exhaustion of the supply of all articles of foreign growth and manufacture," and Lord John Russell declared that "the United States were enabled by the blockade to intercept and capture a great part of the warlike supplies which were destined to the Confederate States from Great Britain."¹

When Davis had said in his inaugural, "It is alike to our interest and that of all those to whom we would sell and from whom we would buy, that there should be the fewest practicable restrictions upon the interchange of commodities," he was speaking to England no less than to his constituents, in reminder of her dependence on the Southern staple, and was invoking her intervention against a blockade, which ensued more quickly than had been anticipated by him.²

But he and his administration regarded the blockade as a two-edged sword that would cut the knot of non-intervention with one of its edges. While it worked hardship in shutting out foreign importations, it appealed to him and to his cabinet in its earlier stages as a measure which of itself must compel intervention. The grave industrial situation

¹ Lothrop, *Seward* (S. S.), p. 270; Bernard, *Neutrality of Great Britain*, pp. 286-7.

² *Cotton*, p. 258.

that immediately arose among the Lancashire mills, when Southern cotton could no longer be procured, gave the British Government such concern as seemed to make recognition a matter of necessity to preserve internal peace. William H. Russell, the war correspondent of the London *Times*, had written from Montgomery concerning the Southern leaders: "They firmly believe that the war will not last a year. . . . They believe in the irresistible power of cotton, in the natural alliance between manufacturing England and France, and the cotton-producing slave States, and in the force of their simple tariff." Foreign recognition was looked forward to by the Confederate Government as a practically assured fact after the battle of Manassas, in which the resisting power of the South had been satisfactorily demonstrated.¹

Visiting Charleston, after the blockade was well under way, Russell found the same faith in cotton as at Montgomery. A merchant pointing to the wharf laden with cotton-bales, said to him: "There's the key will open all our ports, and put us into John Bull's strong-box as well." And again the Englishman writes: "Rhett is also persuaded that John Bull sits on a cotton-bale."² The constantly recurring juxtaposition of the negro and the bale was a persistent assurance to the South of its tremendous

¹ Adams, *Charles Francis Adams* (S. S.), pp. 161-3.

² *Cotton*, p. 259.

weapon of mastery over the cotton-consuming countries of Europe,¹ and the first series of ten-dollar Confederate treasury notes not inappropriately bore a vignette of the familiar combination.

The results of the blockade, which was enforced with extraordinary if not complete effectiveness, in view of the long line of Southern seacoast, illustrated the power of economic restraint in the conduct of war. The naval control of the Confederate littoral by the North, which soon closed every Southern port except Wilmington and Charleston, developed as an incident of its continuance "blockade-running," from Bermuda, Nassau in the Bahamas, and Cuba, to Wilmington, Charleston, Savannah, and Mobile, until at last even all of these ports were closed to the blockade-runners except those of the two Carolina towns.²

Blockade-running brought in a small supply of much-needed drugs and medicines, and was of some service in its ministrations to the beleaguered Confederacy; but its good was not commensurate with its evil. Davis at a later date wrote of it:

Complaints were rife through our country that the foreign commerce was almost exclusively in the hands of aliens; that our cotton, tobacco and naval stores were being drained from the States, and that we were receiving in return cargoes of liquors, wines and articles of luxury; that the imported goods, being held in few hands and in

¹ Brown, *The Lower South*, p. 129.

² Rhodes, V, pp. 396, 397.

limited quantities, were sold at prices so exorbitant that the blockade-runners, after purchasing fresh cargoes of cotton, still retained large sums of Confederate money, which they invested in gold for exportation and in foreign exchanges; and that the whole course of the trade had a direct tendency to impoverish our country and enfeeble our defence. Congress believed these complaints well-founded, and in that belief I fully concurred.¹

The general effect on the South of the battle of Manassas was to inspire the people with a belief that the war would be of brief duration. Davis himself was strong in the faith that the victory was one of great significance, and returning to Richmond from the battle-field, he addressed an immense audience in a speech in which he recounted some of the incidents of the conflict, and declared the result to be decisive, "if followed by energetic measures."²

But the victory of the Confederates was followed by continued inactivity on the part of the Southern army, on account of its lack of military supplies and ammunition. The foreign markets for the products of the South were shut off by the blockade; the subsequently efficient armories and arsenals were not yet under way. The Confederate paper currency soon drove into hiding the local gold and silver of the country, and prices of commodities

¹ June 10, 1864; Dec. 20, 1864; *O. R. Series IV*, vol. III, pp. 553, 949; Rhodes, *Hist. U. S.*, V, p. 405.

² Alfried, *Life*, p. 307.

began to rise. The struggle which had one of its deepest roots in sectional economic antagonisms was already predestined to a conclusion in which economic exhaustion was to play its effective part. Davis, with a prevision of what lay ahead of his section, had advised his people in 1849 to "get together and build manufactories, enter upon industrial pursuits, and prepare for our own self-sustenance."¹ But in the intervening decade there had been no organization of the South's powers of resistance, for the obvious reason that manufacturing was incompatible with its social, political, and economic conditions. Few factories had been built where cotton-raising was more profitable, and industrial pursuits had continued neglected under a system of labor which was not adapted to them. The "irrepressible conflict," that had been approaching since nullification in 1832, found the South still cultivating its great staple in 1861. The spectacular victory of one untrained army over another untrained army at Manassas in July of that year proved of ultimate inconsequence in the face of the Federal blockade, which demonstrated the effective operation of a power well equipped with naval resources against another power totally destitute of naval equipment.²

The Confederate administration continued to

¹ Dodd, *Life*, p. 123.

² Soley, *The Blockade and the Cruisers*, pp. 241-3.

look beyond the blockade to European intervention with the knowledge that the South alone could furnish England and France their needed cotton, and in reliance on the assurance which it had given the world that no tariff except a revenue tariff would ever be levied by the South.¹

The effectiveness of the blockade emphasized the fact that all tariffs fail in time of war, and that as between two countries of equal wealth war varies with the disparity between their navies.² For three decades prior to 1861 the South had been relatively the most prosperous and wealthiest section of the Union.³ But the South had no navy.⁴

¹ Wm. E. Dodd, *Economic Influence of the Tariff in the South*, S. B. N., V, p. 493.

² Admiral Bradley A. Fiske, U. S. N., "What the Visit of the U-53 portends to the U. S.," *New York Times Magazine*, Oct. 15, 1916.

³ *Real and Personal Property Values in the Antebellum South*, S. B. N., V, p. 421.

⁴ Soley, *The Blockade and the Cruisers*, p. 1.

CHAPTER XIII

CONFEDERATE DIPLOMACY AND THE COTTON FAMINE

SOON after his inauguration at Montgomery, the President sent three commissioners to Europe, with William L. Yancey at their head. Davis, whose knowledge of foreign countries was limited by the extent of his reading and studies, possessed a simple theory of foreign policy. It was that cotton was to be a dominating factor in all diplomatic dealings with England, to which country and to France the rest of Europe seemed disposed to leave the determination of the Old World's attitude toward the struggle that had arisen in the New.

Schwab says in his book, *The Confederate States of America*, that the sentiment prevailed in the Provisional Congress at Montgomery that a stoppage of the cotton supply to the commercial nations of the world, especially the North and Great Britain, would bring them to terms, and an embargo on cotton was regarded with favor.¹

Hammond, an expert on the subject, quotes De Bow, the Southern war-time economist, as saying

¹ J. C. Schwab, *The Confederate States of America*, p. 250; *Cotton*, p. 258.

of the staple: "To the slave-holding States it is the great source of their power and their wealth and the main security for their peculiar institutions. Let us teach our children to hold the cotton plant in one hand and a sword in the other, ever ready to defend it as the source of commercial power abroad, and through that, of independence at home." Theodore Price and Hammond are quoted by Doctor Scherer as asserting that but for the reliance placed on cotton by the statesmen of the far South, "the War would probably have not been fought." This, however, is not a demonstrable conclusion. Without cotton, the war might have been delayed; but the differences between the sections in which economic, social, and constitutional relations had all played their parts, would undoubtedly have brought on a conflict, that from the beginning was irrepressible.¹

Within a few weeks after the war began, cotton doubled in price. The Confederate Congress put a discriminating tax on its production, and a proposition widely discussed was one of the expediency of the government destroying the cotton in the South, and of notifying England that recognition of the Confederacy was a prerequisite to the planting of future crops.² "The President and his advisers,"

¹ *Cotton*, pp. 259, 260; Hammond, *The Cotton Industry*, pp. 64, 257; *The Outlook*, N. Y., March 28, 1914, p. 720.

² Adams, *Adams (S. S.)*, p. 163.

writes Mrs. Davis in the *Memoir*, "looked to the stringency of the English cotton market and the supervision of the manufactories, to send up a ground-swell from the English operatives that would compel recognition." ¹

On May 1 Lord John Russell, who was informed of the proposed blockade of the Southern seaports, sent for the United States minister, Dallas, and informed him of the arrival of the Confederate commissioners, giving him to understand that he would see them "unofficially." He also informed Dallas that England and France would act together on the question of recognizing the Confederacy. The next day Lord John announced in the House of Commons, having learned from Dallas of the coming of his successor, Charles Francis Adams, that the policy of the British Government would be "to avoid taking any part in the lamentable contest now raging in the American States." "We have not been involved in any way in that contest," he said, "by any act or giving advice in the matter, and, for God's sake, let us if possible keep out of it."

He received Yancey and his associates "unofficially," through the offices of W. H. Gregory, an Irish member of Parliament, who was a Southern sympathizer. The interview seems to have been productive of results, for a few days later the govern-

¹ Adams, *Adams* (S. S.), p. 162.

ment stated to the House of Commons that it had been determined to concede belligerent rights to the Confederacy. On May 11 Downing Street was officially informed of the Federal blockade proclamation, and of Secretary Seward's circular to the foreign ministers of the United States in relation to privateers against Northern commerce. "The Queen's Proclamation of Neutrality" followed, and a few days later Adams arrived at Queenstown.¹ The belligerent rights of the Confederacy had been recognized by the British Government in advance of his arrival.

Of "The Queen's Proclamation," the younger Adams, in his biography of his father, asserts that whether it was justifiable or not, "it certainly could not have been deferred later than immediately after the arrival of the news of the disaster of Bull Run, shortly before the close of the following July; and, if then considered and conceded, it might well have carried with it a full recognition of the Confederacy. As it was, the partial and ill-considered concession proved final; and, as matter of fact, precluded the more important ulterior step."

Seward at this time had already developed his extraordinary sovereign panacea for concluding hostilities between the North and South, and restoring the Union. It was to inaugurate a foreign war, whose extent and end were indefinite. He

¹ Adams, *Adams* (S. S.), p. 171.

proposed in a memorandum filed with the President, April 1, 1861, to "change the question before the public from one upon slavery, or about slavery, for a question upon union or disunion." He wanted "explanations from Great Britain and Russia." He suggested sending agents into Canada, Mexico, and Central America, "to rouse a vigorous continental spirit of independence on this continent against Continental intervention. And if satisfactory explanations are not received from Spain and France, (he) would convene Congress and declare war against them." He believed that the South was not in earnest, and he had told Russell, of the *Times*, that if a majority of the people in the seceded States desired secession, he would let them have it, but that he could not believe in anything so monstrous. Russell wrote to the *Times*: "Assuredly Mr. Seward can not know anything of the South, or he would not be so confident that all would blow over."¹

After the arrival of Adams in England, the commissioners were not again received by Lord Russell, either officially or unofficially. Mrs. Davis writes: "The astute and watchful ambassador of the United States had thus far forestalled every effort . . . by presenting Mr. Seward's *ex-parte* statements of the causes, conduct, and prospect

¹ Adams, *Adams (S. S.)*, pp. 180, 186; Morse, *Lincoln (S. S.)*, I, p. 277.

of an early termination of the War. Mr. Seward predicted the War would end in thirty days.”¹

In September the Confederate commissioners were superseded by James M. Mason. Yancey returned home, Rost was appointed commissioner to Spain, Mann to Belgium, and John Slidell was sent over with Mason as the Confederacy's emissary to France.

On October 12, 1861, Mason and Slidell left Charleston on a steamer chartered by the Confederate Government for Nassau, in the Bahamas, and not finding there the English ship which they had expected, they boarded a small Spanish war-vessel, and landed at Cardenas in Cuba on October 18, under the escort of a Spanish man-of-war. Thence they went to Havana. Leaving Havana, November 7, on board a British mail-steamer, the *Trent*, bound for England, they were overhauled the next day by the United States ship *San Jacinto*, under the command of Captain Wilkes. He took them aboard his vessel, carried them North and delivered them to the Federal authorities, by whom they were incarcerated in Fort Warren, near Boston. Here they were detained until January 1, 1862, when they were released upon the demand of the British Government, and were sent to England on a British ship.²

¹ *Memoir*, II, pp. 331, 332; Adams, *Adams (S. S.)*, p. 198.

² Mason, *Public Life of James M. Mason*, pp. 204-8, 210.

The "*Trent* affair" excited world-wide attention and interest as involving important questions of international law, and grave consequences to the warring sections in America. On December 1, 1861, the United States House of Representatives, in pursuance of the retaliatory policies of the two contending governments, adopted a resolution to hold Mason to answer for the life of a Federal officer then detained in the South as a hostage for a Confederate privateer, who had been tried and convicted of piracy in the Federal court at Philadelphia; and a like resolution was adopted in regard to Slidell.¹ The elation indicated by the Northern newspapers over the capture of the commissioners caused a wide-spread belief in the South that the blunder of Captain Wilkes would immediately accomplish more in the way of causing British intervention than the diplomacy of Mason might have hoped for from its most successful ultimate issue. The episode betokened war between the United States and Great Britain, and this would have been its result but for the action of the Federal Government.

The capture of the commissioners was altogether unjustifiable, and in clear violation of the principles of international law for which the United States had contended since the war of 1812 with Great Britain; and Seward's unwilling accession to England's demand for the immediate and unconditional

¹ Mason, *Mason*, pp. 231, 232.

surrender of Mason and Slidell averted the otherwise inevitable consequence.

But there was no consensus between the countries as to the legal ground on which the surrender was made. Great Britain demanded the release on the ground that a neutral vessel could not be prevented from carrying diplomatic agents sent by the enemy to neutrals, while the United States Government took the position that their removal from the neutral vessel without bringing her before a prize-court was not justifiable under international law.¹

The blockade, now in full swing, was not only accomplishing its purpose of creating economic want in the beleaguered Confederacy by excluding all imports from abroad, but it was having a disastrous effect upon the industrial life of England and of France. In May, 1862, its results were visible in the distress of the English manufacturing cities of Lancashire; and its effectiveness, against which Davis continued to protest, was indicated in the cotton quotations of the English market. During the preceding six months only eleven thousand five hundred bales had been received from the Southern States, while in the corresponding period of 1860-61 the importations had been one million five hundred thousand bales. One-half of the spindles of

¹ Professor L. F. L. Oppenheim, *International Law*, cited N. Y. *Times*, November 28, 1916; Mason, *Mason*, pp. 209-246; Adams, *Adams (S. S.)*, p. 212; Davis, *Short Hist.*, pp. 111-112.

Lancashire were idle; the loss of wages was immense, and the British newspapers contained many accounts of cases of destitution. Upon the situation seemed to hang alike the fate of the American Union and that of the Southern Confederacy. Like conditions in less degree existed in France, and continued in both countries until after the end of the year 1862.¹

Next to England, France suffered most from the Famine; consuming as she did 240,000,000 pounds annually, as against a thousand millions in England and 364,000,000 in America. Practically all of the French supply was American. When this was suddenly cut off, 300,000 people in one district were made absolutely destitute, subsisting according to report, "by roaming at night from house to house, and demanding rather than asking alms," while at Rouen, out of 50,000 operatives, 30,000 were "laid off," and in the surrounding country only one-fifth of the handweavers had work.²

Relief ensued, after the close of 1862, as a consequence of the method which the Federal Government adopted of continuing the blockade. Military and naval expeditions invaded Southern ports where cotton and other valuable products were stored, or from which the territories of their production were accessible. New Orleans, Beaufort, and Port Royal were occupied by Federal forces, and

¹ Adams, *Adams (S. S.)*, pp. 266-271, 276; *Cotton*, pp. 261, 262.

² *Cotton*, p. 271.

were officially declared by the United States Government to be open for trade. Licenses for trading with these ports were granted to foreign vessels by Federal consuls, and to coastwise vessels by the Treasury Department, and the blockade in this respect was relaxed as to the captured ports, except in regard to "persons, property, and information contraband of war"; while circulars were addressed to the foreign ministers at Washington, announcing the reopening of communication with all conquered Southern localities.¹

Mason's mission in behalf of British intervention seemed at times almost on the verge of success, but was never successful. Slidell, however, in France, came so near accomplishing his purpose of winning over Napoleon the Third, that intervention, through him, on the part of both England and France, at one time appeared to be immediately in sight. The Confederate commissioner to France in the summer of 1862 offered to the French Emperor one hundred thousand bales of cotton, worth in Europe at that time twelve and a half million dollars, upon the condition that he would send his men-of-war over to America and break the blockade. Napoleon decided to request Russia and England to unite with France in proposing "mediation." "My own preference," he said to Slidell, "is for a proposition of an armistice of six months; this would put a stop

¹ *Short History*, p. 300.

to the effusion of blood, and hostilities would probably never be resumed. We can urge it on the high grounds of humanity and the interest of the whole civilized world; if it be refused by the North, it will afford good reason for recognition, and perhaps for more active intervention.”¹

While there were many men of position and power, and this was largely the case among the English nobility and gentry, who sympathized with the South, a deep feeling in favor of the Union existed among the middle and lower classes, influenced by anti-slavery sentiment. In September, 1862, when the stress of the cotton-famine was greatest, Lord Palmerston, the British prime minister, wrote to Earl Russell, his foreign secretary, suggesting a joint offer by Great Britain and France of the “good offices” of the two countries toward mediation; and Russell agreed that “the time is come for mediation to the United States Government, with a view to the recognition of the independence of the Confederates. I agree further,” he added, “that in case of failure, we ought ourselves, to recognize the Southern States as an independent State.”² But the pressure of the cotton-famine began to lift with the exportation of cotton from the captured

¹ Scherer, *Cotton*, p. 272, citing Rhodes, *History*, IV, p. 346, and Slidell's *Account in Proceedings Mass. Hist. Soc.*, May, 1914, p. 379.

² Adams, *Adams (S. S.)*, pp. 281, 282.

ports. Thereafter the efforts of the Confederate commissioners, both in England and France, though persistently continued, were without definite accomplishment.

Doctor Scherer quotes the German political economist "Nauticus," in the *Year-Book* for 1900, on the effect of the Federal blockade upon the conflict between the North and the South. "'The blockade of the South,' says this able authority, indorsing Admiral Porter, 'i. e., the sea-power of the North, contributed more to the downfall of the South than all other military operations put together. That is to say, the South, with its revenues, was wholly dependent on freedom of export for its land products, such as cotton, sugar, tobacco, etc.; and its war supplies, besides machinery, wheat, peas, and potatoes, it had to obtain from outside. Through the gradually expanded blockade, on all the coasts of the South (roundly, 3,000 sea-miles in length), which was vigorously carried out by means of 313 steamers and 105 sailing vessels, the sea-traffic of the South was as good as wholly cut off; at all events, the blockade sufficed more and more to break altogether the power of resistance of the brave Southern army. Want and misery everywhere was the frightful work of the blockade, which prepared and accomplished the defeat of the South.'"¹

¹ *Cotton*, pp. 262, 263, and note (5) citing *Beiträge zur Flotten-Novelle*, von Nauticus, Berlin, 1900, pp. 113, 114.

It was naturally regarded by the Confederate Government as important that no effort should be spared to retaliate against the blockade, which, whatever its technical effectiveness, was serving its purpose of keeping out the importation of European goods and of preventing the exportation of the South's great staple crop for the benefit of the Confederacy.

In January, 1863, Slidell took advantage of the situation that had arisen out of the cotton-famine to persuade Napoleon to offer, on his own motion and alone, his services to the United States as mediator with the Confederacy. Lincoln refused the proposal, and Slidell and the French Emperor again turned to England for co-operation.¹

In the meantime, Slidell, with the assistance of Mason in London, succeeded in negotiating the Confederate "Foreign Cotton Loan" through the French banking-house of Erlanger. This loan was for the sum of fifteen million dollars, and was three times oversubscribed in London within two days after the bonds came on the market, and the total subscription amounted to five times the face value of the loan. The proceeds of the Foreign Cotton Loan bonds, which became worthless upon the collapse of the Confederacy, furnished the main specie revenue of the Southern Government; and with

¹ *Cotton*, p. 283, citing *Rhodes*, IV, p. 348; *Lothrop, Seward (S. S.)*, pp. 235, 236.

them were purchased the Confederate cruisers, with which for a time formidable retaliation was made upon the commerce of the blockading North.

Slidell's continued efforts brought two members of Parliament, Lindsay and Roebuck, who were Southern sympathizers, to Paris, where they were entertained by the Emperor at the Tuileries, and returned to England with authority, as Roebuck claimed, to say to the British Government that his feeling "was stronger than ever in favor of recognizing the South." Roebuck delivered the message in an ill-timed speech in Parliament, in replying to which the Union sympathizer, John Bright, "shook him as a terrier shakes a rat." On July 13, 1863, Roebuck withdrew his motion for recognition; and in a few days news of Gettysburg and Vicksburg reached England, and ended the whole intervention business.¹

¹ *Cotton*, pp. 285-9, citing Trevelyan's *Life of Bright*, p. 323; Brown, *Lower South*, p. 165.

CHAPTER XIV

SEA-POWER AND THE CRUISERS

THE Confederacy had started out in 1861 with its adversary excelling it greatly in two of the three sources of superiority in war, sea-power and manpower. In the third, the resource of wealth, the South was on a nearer equality, but deficient in ability to utilize its possessions.

In June, 1861, Davis sent to England, as agent of the Confederate States, for the purpose of obtaining ships and ammunitions, Captain James D. Bulloch, formerly an officer of the United States navy, of whom the Confederate President afterward wrote, that he was "of high ability as a seaman, and of an integrity which stood the test under which a less stern character might have given way," in his scrupulous handling and disbursement of millions of dollars, without the necessity of accounting to any one.¹

The Confederate naval agent, who had gone direct to Liverpool from Montgomery, displayed great energy and achieved marked success in his operations. Within a month after his arrival he had caused to be laid down the keel of the cruiser *Oreto*,

¹ *Short History*, p. 241.

afterward famous as the *Florida*, and in the following month he closed a contract with the Lairds, a Liverpool firm of ship-builders, for the construction of the cruiser *Alabama*, or "290," as the vessel was designated in the shipyards at Birkenhead, which was launched on May 15, 1862.

Raphael Semmes, formerly of the United States navy, had commanded in the first year of the war the Confederacy's first cruiser, the *Sumter*, a small propeller steamer of five hundred tons, equipped with an 8-inch gun and four light 32-pounders, and had gone out of New Orleans, passing the blockading vessels *Brooklyn* and *Powhatan* at the mouth of the river in April, 1861. During her cruise of some eight months she captured seventeen prizes; and while several of them were released in Cuban ports by order of the captain-general, her career created such alarm that Northern ships were, to a large extent, put under foreign flags, and the carrying trade, in which the United States stood second only to Great Britain, rapidly passed into other hands.¹

When the *Alabama*, whose purpose as a Confederate commerce-destroyer was well understood in England, was launched and ready for sea, Bulloch summoned Semmes. Strenuous efforts had been made by the United States minister and by

¹ Soley, *The Blockade and the Cruisers*, pp. 172-6; *Short History*, p. 240.

the consul at Liverpool to prevent the vessel leaving port; but the British Foreign Enlistment Act had been examined for Bulloch by counsel, who advised that there was nothing in the English law which made it illegal to build a war-ship as one operation, or prevented the purchase of arms and equipment for it as another. This construction of the act was subsequently confirmed by the law-officers of the crown, and was laid down for the guidance of juries by the Lord Chief Baron of the Exchequer.¹

On July 28, 1862, the "290" went down the Mersey, ostensibly on a trial trip, to Point Lynas, on the coast of Anglesea, about fifty miles from Liverpool. Here she remained in English waters for two days, and on the morning of the 31st she got under way,¹ and standing northward, rounded the northern coast of Ireland, and passing out into the Atlantic, sought the Azores. She was unarmed, and only sufficiently equipped to reach her destination. Semmes and Bulloch followed her in the steamer *Bahama*, and found her at her destination in the Azores, at the Bay of Praya, whither a sailing vessel had been previously despatched with her batteries, ammunition, and stores.²

On August 24, 1862, she steamed out of her harbor in the Azores, armed and equipped, and when more

¹ Adams, *Adams (S. S.)*, pp. 307, 308; *The Blockade and the Cruisers*, pp. 190, 191.

² *The Blockade and the Cruisers*, p. 192.

than a marine league from the shore, Semmes read the commission from Davis appointing him captain, and the order of the Confederate secretary of the navy assigning him to the command of the *Alabama*, which was the name then given to the vessel. The sailors who had come on the unarmed "290" were given their choice of enlistment in the crew of the new cruiser or of being paid off, with a free passage to Liverpool. Eighty of the men who had reached the Azores in the several vessels connected with the enterprise joined the crew of the *Alabama*, and with a full complement of officers, and an armament of six 32-pounders in broadsides, and pivot guns amidships, one a smooth-bore 8-inch-shell gun, and the other a 100-pound-rifle Blakeley, she set out on her career of destruction to Federal commerce.

"Among all the developments of naval warfare that were brought about between 1861 and 1865," writes Professor Soley, "the art of commerce destroying, as systematized and applied by Semmes, will not be reckoned the least important. In saying this, it must be understood that reference is made, not to its ethical, but to its military aspect. As a mode of carrying on hostilities, it is neither chivalrous nor romantic, nor is it that which a naval officer of the highest type would perhaps most desire to engage in; but it fulfils, in an extraordinary degree, the main object of modern war, that of crippling

an adversary. . . . The name of the *Alabama*, like that of the *Monitor*, has become a generic term; and future *Alabamas* will regard the cruise of Semmes's vessel as the starting-point in all their operations." ¹

In the summer of 1864, after sailing into every sea where a blow at American foreign trade could be struck, she came back from the Indian Ocean, around Good Hope, and ran north in the Atlantic to the 30th parallel, where so many captures had been previously made by her. Of the ship at this date, Semmes wrote: "The poor old *Alabama* was not now what she had been then. She was like the wearied fox-hound limping back after a long chase, footsore, and longing for quiet repose." She had captured in her career sixty-three vessels, including a gunboat, the *Hatteras*, sunk in action; had released nine ships under ransom-bond, and had paroled all the prisoners that she had taken. As all neutral ports were closed against her prizes, those ships which could not be released under ransom-bond were necessarily destroyed at sea. "The prize-court of the Confederacy," says Soley, "now sat in Semmes's cabin, and all questions of law and fact were settled by the Captain's decision." ²

On the morning of June 11, 1864, the *Alabama* entered the harbor of Cherbourg, France. On June

¹ *The Blockade and the Cruisers*, pp. 221, 222.

² Adams, *Adams (S. S.)*, p. 318.

19 she left the harbor to engage the *Kearsarge*, which lay off the breakwater. The result of the battle, in which the two ships were nearly evenly matched in guns, crew, and tonnage, but in which the United States vessel had the material advantage of having its engines protected by chain-plating, fifty feet long by six feet deep, was the sinking of the *Alabama* by the *Kearsarge*, after a fight lasting an hour and ten minutes.

The English yacht *Deerhound* had followed the *Alabama* out of the harbor, and was now hailed by the *Kearsarge* to assist in bringing off the crew of the sinking *Alabama*. The *Deerhound* complied with the request, and picked up forty-two persons, among whom were Semmes and fourteen of his officers. With these she steamed across the English Channel to Southampton.

"It is common to speak of the *Alabama* and the other Confederate cruisers as privateers," says Soley. "It is hard to find a suitable designation for them, but privateers they certainly were not. The essence of a privateer lies in its private ownership; its officers are persons in private employment; and the authority under which it acts is a letter-of-marque. To call the cruisers pirates, is merely to make use of invective. Most of them answered all the legal requirements of ships-of-war; they were owned by the Government, and they were commanded by naval officers acting under

a genuine commission. Some of them were put in commission at sea or in foreign waters, and never saw the country of their adoption; but their commission could not thereby be invalidated. There is no rule of law which prescribes the place where a Government shall commission its ships, or which requires the ceremony to take place, like the sessions of prize-courts, within the belligerent territory.”¹

Other ships of the Confederate service, built in England, and regularly commissioned by the Confederate Government, were the subjects of diplomatic correspondence between the United States and Great Britain, as the *Alabama* had been. Bulloch's energy and ability also sent out the *Oreto*, rechristened the *Florida*, under Captain Maffitt, which in its career captured about fifty-five vessels, the *Georgia*, fitted out on the coast of France, and commanded by Maury,² and the *Tallahassee*, commanded by J. Taylor Wood.³

In July, 1864, another ship that had come to Wilmington, “running the blockade,” was purchased by the Confederate Navy Department, christened *Chickamauga*, and put under the command of Commander John Wilkinson.⁴

¹ *The Blockade and the Cruisers*, pp. 206-213, 224.

² *Ibid.*, pp. 183-4, 214, 215.

³ *The Blockade and the Cruisers*, pp. 227-9; *Short History*, p. 255.

⁴ *Short History*, p. 255.

Other commerce-destroyers were building, under Bulloch's influence, at the Birkenhead yards; and the British Foreign Office was confronted with the demand from the United States that the damage done by those already constructed should be paid for by the British Government. The correspondence which ensued between the two governments was published in the London papers of March, 1863, and the great mercantile houses of the English metropolis began to make preparation for the war between the two countries that now seemed to be imminent.

The prospective breaking of the blockade by means of the Confederate cruisers gave serious concern to the American minister at London and to his government at home.

Adams anticipated that war would grow out of the threatening conditions of the situation, and he wrote home: "I shall do my best to avert it." In March, 1863, Mallory, the Confederate secretary of the navy, alluding to the cruisers then in course of construction in England, wrote: "Our early possession of these ships, in a condition of service, is an object of such paramount importance to our country that no effort, no sacrifice, must be spared to accomplish it. Whatever may be the conditions of placing them at our command will be promptly met." Semmes had written to Bulloch from Bahia, in the preceding May, about the Federal demand

on Britain for compensation on account of the damage to commerce by his own ship: "That 'little bill' which the Yankees threaten to present to our Uncle John Bull for the depredations of the *Alabama*, is growing apace, and already reaches \$3,100,000."¹ A year later the British Government, in anticipation of the failure of the Confederacy, made it plain that its detention of the two undelivered ships, or "Laird Rams," as they were called, was final. Mallory referred to this action in a letter to Bulloch as "a great national misfortune," and Davis in turn declared that if the Confederate Government had been successful in getting those vessels to sea, "it would have swept from the ocean the commerce of the United States, (and) would have raised the blockade of at least some of our ports."²

So dangerous were the new "Laird Rams" regarded by the United States naval authorities, that emissaries of the Federal Government were secretly sent to England to outbid the Confederacy, if possible, for their possession; and ten millions of dollars in United States bonds were given them for the purpose. Finding that it would be dangerous and difficult to put their instructions into effect, these emissaries returned home with the bonds "in the original packages, with the seals of the Treasury unbroken."

¹ Adams, *Adams (S. S.)*, pp. 318, 319, 320.

² *Ibid.*, p. 320.

"You must stop (the Laird Rams) at all hazards," wrote Fox, assistant secretary of the navy, to Adams, "as we have no defense against them. Let us have them for our own purposes, without any more nonsense and at any price. . . . It is a question of life and death."¹

The "Laird Rams" never reached the high seas from the Birkenhead yards; but across the Channel the construction of similar vessels was giving the Federal Government uneasiness. Six ships of a formidable character were built. The indefatigable Sli-dell co-operated with the French Emperor in the construction of two ironclads and four clipper corvettes; but of these, only one ever reached its destination, Napoleon, as Rhodes says, having determined "to change his tune." This one of the six French ships was the *Stonewall*, a ram with armored sides, a 300-pounder rifled Armstrong gun in the casemated bow, and a fixed turret aft containing two rifled 70-pounders. In March, 1865, she fell in with the United States frigate *Niagara* and the sloop-of-war *Sacramento* outside the harbor of Corunna, and offered them battle, which they declined. "It is only necessary," writes Soley, "to make one comment on this affair. The *Stonewall* was truly an ugly antagonist. It is the opinion of many professional

¹ Adams, *Adams (S. S.)*, pp. 321, 322, citing Hughes, *Letters and Recollections of J. M. Forbes*, vol. II, pp. 1-66; Chittenden, *Recollections of Lincoln*, vol. I, pp. 194-211; and *Proceedings Mass. Hist. Soc.*, 2d Series, vol. XIII, pp. 177-9.

men that, properly handled, she could have sunk the two American vessels; and as far as probabilities were concerned, the chances might be said to lie with the ram." The *Stonewall* never fought a battle. She proceeded to Lisbon, and thence to Havana, where after the end of the war, she was surrendered to the United States by the Spanish Government.¹

The Geneva Tribunal later exacted payment of the "little bill" which the *Alabama* and her sister cruisers had run up against Great Britain. But of the cruisers themselves, and of what they accomplished, Professor Soley, a high naval authority, has written: "A great deal of uncalled-for abuse has been heaped upon the South for the work of the Confederate cruisers, and their mode of warfare has been repeatedly denounced as barbarous and piratical in official and unofficial publications. But neither the privateers, like the *Petrel* and the *Savannah*, nor the commissioned cruisers, like the *Alabama* and the *Florida*, were guilty of any practices which, as against their enemies, were contrary to the laws of war."² No attack was ever made without previous notice, and the safety of both crews and passengers of captured vessels was always provided for before their destruction.

¹ *The Blockade and the Cruisers*, p. 221; *Cotton*, pp. 290, 291, citing *Rhodes*, IV, pp. 380, 385, 388.

² *The Blockade and the Cruisers*, p. 229; *Confederate Portraits*, pp. 219-246.

CHAPTER XV

ECONOMIC AND MILITARY CONDITIONS

THE consequence of the blockade was a general restriction of the war-supplies of the Confederacy to such as existed in the South at the beginning of hostilities, or could be brought in from abroad before the blockade became effective. There was no truth in the story that once prevailed, which was largely developed and propagated by General Winfield Scott, that large quantities of army and military supplies had been sent South by Secretary Floyd during Buchanan's administration,¹ or that the Confederacy acquired by seizure from the United States Government the machinery and plants for their manufacture, together with a great supply of ordnance and ordnance stores. Not a gun nor a gun-carriage, and, except for the Mexican War, scarcely a round of ammunition, had for fifty years been manufactured in the South.² The aggregate of serviceable arms was about one hundred and fifty thousand, and there was but little powder or ammunition of any kind stored in the Southern States. This small

¹ *Mr. Buchanan's Administration*, pp. 220-7. See article by Robert M. Hughes, *Richmond Times-Dispatch*, August 7, 1911.

² Wise, *Long Arm of Lee*, I, p. 24.

amount, with the exception of about sixty thousand pounds of old cannon-powder captured at Norfolk, had been left over after the war with Mexico. A few good batteries were owned by the several States, but the equipment of infantry, cavalry, and artillery was inadequate and insignificant. The arsenals at the South had been used solely as depots, and their contents were meagre. There was in them no machinery for the preparation of war material, and there was no skilled labor with which munitions could be manufactured, if the machinery had existed. There was no powder, save for domestic blasting and the small supplies required by sportsmen, nor was there any saltpetre. No lead-mines had been developed except those in Virginia, and copper was just beginning to be obtained from Tennessee. The few furnaces for the production of iron were the small charcoal-hearths of Virginia and west Tennessee, some of which had furnished the material for the cannon used at Valley Forge and Yorktown during the Revolution. The only cannon-foundry was the Tredegar Iron Works at Richmond. There were no rolling-mills for bar-iron south of the North Carolina line.¹

Orders for powder were sent to the North before the attack on Fort Sumter, and were being rapidly filled when that event occurred, and the supply immediately ceased. In May, 1861, the general

¹ *Long Arm of Lee*, I, pp. 47-51.

condition of ordnance and ordnance supplies was one of almost total "unpreparedness." ¹

The arsenals at Richmond, Charleston, and Selma, Alabama, were by degrees developed to large dimensions, and produced the bulk of the ordnance necessary for the use of the armies; and powder-mills were established and successfully operated at various points. The chief armories for the manufacture of small arms were situated at Richmond and Fayetteville, and when in good working order turned out about two thousand stands of arms a month. Ten thousand stands of small arms were obtained, of those flung away by the Northern army, from the battle-field of Manassas, and about twenty-five thousand from the fields of the Seven Days' Battles about Richmond in 1862.

Gorgas, whom Davis had made chief of ordnance, illustrated an energy and ability in the development of the Ordnance Department of the government which were as remarkable as Bulloch's work with the cruisers in England. General Joseph E. Johnston declared of Gorgas that "he created the ordnance department out of nothing."

The Confederate chief of ordnance has left the following account of his work:

We began in April, 1861, without an arsenal, laboratory, or powder-mill of any capacity, and with no foundry

¹ *Short History*, pp. 113-118; *Long Arm of Lee*, I, pp. 34 ff.

or rolling-mill except in Richmond and before the close of 1863,—within a little over two years,—we supplied them. During the harassments of war, while holding our own in the field, defiantly and successfully, against a powerful enemy; crippled by a depreciated currency; cramped by a blockade that deprived us of nearly all the means of getting material or workmen; obliged to send almost every able-bodied man to the field; unable to use the slave-labor, with which we were abundantly supplied, except in the most unskilful departments of production; hampered by want of transportation, even of the commonest supply of food; with no stock in hand, even of articles such as steel, copper, leather, iron, which we must have to build up our establishments,—against all these obstacles, in spite of all these deficiencies,—we persevered, at home, as determinedly did our troops in the field against a more inspiring opposition; and, in that short period, created almost literally out of the ground, foundries and rolling-mills at Selma, Richmond, Atlanta, and Macon; smelting-works at Petersburg; chemical works at Charlotte, N. C.; a powder-mill far superior to any in the United States and unsurpassed by any across the ocean; and a chain of arsenals, armories and laboratories equal in their capacity and their approved appointments to the best of those in the United States, stretching link by link from Virginia to Alabama.¹

Agricultural supplies were more or less abundant in those parts of the South which were not overrun by the Northern forces; but the difficulties of

¹ *Short History*, p. 120; *South in the Building of the Nation*, XI, p. 415; *Long Arm of Lee*, I, pp. 39, 40.

transportation, poor enough in the earlier years of the struggle, grew greater with its continuance, until in 1865 the South possessed only the wreck of its ten thousand miles of railroad, which had been either nearing completion or in actual operation in 1860. Their road-beds had gradually fallen into disrepair, their cuts had been filled up, their embankments washed away, their bridges burned or broken down, their depots and water-tanks destroyed.¹ The depreciation of the currency, gradual at first but later rapid and destructive in its economic effect, compelled the government to resort to methods of impressment in order to secure the necessary supplies of food and provender for the use of the armies in the field.² But little clothing was manufactured by organized factories. All the essential elements of raw material, skilled labor, and the requisite aggregation of laborers were lacking. The spinning-wheels and looms of the plantations furnished a grossly inadequate amount of the clothing required both for the white and black populations at home, and for the generally ill-clad soldiers of the armies. As early as Lee's invasion of the North, the army of northern Virginia was without sufficient clothes, or shoes. In advocating invasion,

¹ *S. B. N.*, VI, p. 305, "Railway Transportation in the South"; *The American Historical Review*, July, 1917, "The Confederate Government and the Railroads," vol. xvii, pp. 794-810.

² *The Impressment Act*, approved March 26, 1863; Appendix to Chase's *U. S. Circuit Court Reports* (N. Y., 1876), pp. 597-9.

Lee confessed to Davis that his troops were hardly equipped for service beyond the frontier.¹

The tariff policy of the South, which at first had been of a free-trade character in order to encourage the importation of foreign supplies, was later changed to one which forbade exportations with a view to compelling European recognition. Exceptions, however, were made in favor of those who were in a position to engage in the export trade, and would share their tonnage with the government.²

The finances of the Confederacy were weak from the beginning. Without an adequate metallic basis, its treasury was necessarily established on the unsubstantial substructure of unsecured loans to its own citizens, with a circulating medium of notes, whose payment was conditional on the expiration of "two years after a treaty of peace" between the Confederate States and the United States. Its ways and means consisted of such domestic loans, and of taxes payable in such currency. The bonds issued by the government were paid for in this equivocal medium of exchange, and the bondholders received their interest in it. No serious effort was made to maintain specie payments for the obvious reason that the government's specie holdings were totally inadequate. Rhodes states that "\$27,-

¹ Henderson, *Stonewall Jackson*, II, p. 250; *O. R. Series I*, vol. XIX, part II, pp. 590, 591.

² Schwab, *Economic Activities of the Confederacy*, *S. B. N.*, V, p. 481.

000,000 is an outside estimate of the receipts in specie of the Confederate government during its life of four years.”¹

After the adoption of its tariff laws, the first financial legislation of the Provisional Congress was the passage of an act authorizing a bond flotation of fifteen millions of dollars, with a pledge of a small export duty on cotton to provide for the redemption of the debt. At the next session of Congress, an issue of twenty millions of dollars of treasury notes was provided for, and a further issue of thirty millions of dollars of bonds.²

After the first bond issue of 1861, there was no available market for government bonds; and when the bonds were sold for the treasury notes, redeemable upon the uncertain condition of a treaty of peace between the contending governments, the treasury overflowed with a currency with which it was found increasingly difficult to buy supplies. A series of produce loans was attempted in May, 1861; but while the producers of cotton, who saw in the newly inaugurated blockade an ever-lessening prospect of selling their cotton abroad, were willing to take the government's bonds and even its treasury notes in exchange, those who raised wheat and corn and live stock, and the other things by which life might be supported, held back.

¹ *History*, V, p. 344.

² *Short History*, pp. 121, 122; Schwab, *The Finances of the Southern Confederacy*, S. B. N., V, pp. 494, 495.

Taxes in kind, in order to care for the armies, were imposed in 1863; but the results obtained by the government's tax-gatherers were unsubstantial, and gave rise, in the methods of their collection, to much dissatisfaction. The question of provisions became at length so serious a one that the armies of the Confederacy were forced to living in large measure on what they could obtain from the localities in which they were engaged. For this situation Davis was condemned by many people, and he was charged with having appointed and kept in office an incompetent commissary-general because he was his friend. But silent economic forces, working out the inevitable, counted for more than any accomplishment that might have been wrought by an abler man than Northrop.¹

In 1863 the volume of Confederate paper money in circulation was over six hundred millions of dollars. It was three times the amount requisite for the diminished business of the Confederacy, and its purchasing power was more than correspondingly lessened, not only by its redundancy, but because even at that time it was believed by many to have but little prospect of ultimate redemption.²

Davis writes of the situation:

The evils of this financial condition soon became apparent in a constant increase of prices, in stimulating

¹ *Short History*, pp. 122, 123; Schwab, *Finances of the Southern Confederacy*, S. B. N., V, pp. 494-7; S. B. N., *Southern Biography*, XII, p. 235.

² *Lower South*, pp. 175-180.

the spirit of speculation, and in discouraging commerce.

I therefore recommended to Congress (in December, 1863), the compulsory reduction of the currency to the volume required to carry on the business of the country, to be accompanied by a pledge that in no strain of circumstances would the amount be increased.

The recommendation was incorporated in the act of February, 1864; one of the features of which was a tax levied on the circulation. After the law had been in operation for one year, it was manifest that it had produced the desired effect of withdrawing from circulation the large excess of treasury notes which had been issued. On July 1, 1864, the outstanding amount was estimated at \$230,000,000. The estimate of the amount funded under the act about this time was \$300,000,000, while new notes were authorized to be issued to the extent of two-thirds the sum received under its provisions.¹

The first legislation of the Provisional Congress authorizing the President to employ the militia, and to ask for and accept the services of volunteers to a number not exceeding one hundred thousand whose term of service was limited to one year, was perceived to provide an insufficient army; and a Conscript Act was passed and approved by the President, April 16, 1862, by which authority was given him to call out and enroll for three years, unless the war should end sooner, all white men residents of the Confederate States between eighteen and thirty-five, and to continue those already en-

¹ *Short History*, p. 123.

listed for a period of three years from their enlistment.¹

On September 27, 1862, all white men between eighteen and forty-five were made liable to military service for three years; and on February 17, 1863, all male free negroes, of whom there were many in the Southern States, between the ages of eighteen and fifty years, were designated for service in the ranks, for the construction of fortifications, and for work in the plants which manufactured munitions of war, and in the military hospitals; and the secretary of war was authorized to employ also, for these duties, slaves not to exceed twenty thousand in number.

The War Department availed itself of later legislation by Congress authorizing the hiring of negro slaves for transportation service, and for construction of fortifications. Along the Northern border, upon the Atlantic seaboard, and on the Gulf coast, negroes were employed in the making of defensive earthworks. But their owners were usually unwilling to permit them to work for the government, and recourse was finally had to impressment. This resulted in ultimate withdrawal of the negroes from the military works, and they were sent by their owners to the interior.²

¹ Chase's Reports, pp. 579-583; Appendix, *The Conscrip Act*, approved April 16, 1862.

² Fleming, *Labor in the South*, 1861-5, S. B. N., V, p. 149.

The matter of utilizing the negroes for military service created considerable dissension; but Davis elaborated and pressed his view that they should be used in the field by urging Congress to enroll them as soldiers. Lee agreed with him, and testified before a committee of Congress as to their probable military efficiency.

CHAPTER XVI

THE FIRST YEARS OF WAR

IN the elections held the first year of the war, for permanent officials and a Congress, Davis was unanimously re-elected President without opposition. In the new Congress were many men of varying views and opinions, and from its individualistic elements soon developed a critical and continuous antagonism to the policies of the administration.

On February 22, 1862, the newly elected President took the oath of office, and delivered his inaugural address in front of Crawford's equestrian statue of Washington in the Capitol Square at Richmond. He alluded to the anniversary occasion of the birthday of the Virginian, who had led the armies of the revolting colonies in the war for American Independence; and, after reciting the events which had culminated in the secession of the South, and the organization of the Confederate States, he defended the right of the States to withdraw from the Federal Union. He said:

A million men, it is estimated, are now standing in hostile array, and waging war along a frontier of thousands of miles. Battles have been fought; sieges have

been conducted, and although the contest is not ended, and the tide for the moment is against us, the final result in our favor is not doubtful. . . . We have had our trials and difficulties. That we are to escape them in the future is not to be hoped. It was to be expected, when we entered upon this war, that it would expose our people to sacrifice and cost them much both of money and of blood.

But the picture has its lights as well as its shadows. This great strife has awakened in the people the highest emotions and qualities of the human soul. . . . It was perhaps in the ordination of Providence that we were to be taught the value of our liberties by the price we pay for them. The recollections of this great contest, with all its common traditions of glory, of sacrifice and blood, will be the bond of harmony and enduring affection amongst the people, producing unity in policy, fraternity in sentiment, and just effort in war.

He concluded with a prayer: "My hope is reverently fixed on Him whose favor is ever vouchsafed to the cause which is just. With humble gratitude and adoration, acknowledging the Providence which has so visibly protected the Confederacy during its brief but eventful career, to Thee, O God, I trustingly commit myself, and prayerfully invoke Thy blessing on my country and its cause."¹

The "trials and difficulties" of which he spoke were visible in the achievements of the North since Manassas. No battle of consequence had since

¹ Richardson, *Messages and Papers of the Confederacy*, I, pp. 183-8; *Memoir*, II, pp. 180-3.

been fought in Virginia; but elsewhere along the far-reaching borders of the Confederacy disasters had befallen the South by sea and land alike. In August of the preceding year the forts at Hatteras Inlet on the Carolina seacoast had been captured by the blockading army of the Union, and the whole inland water region from Norfolk to Beaufort had been opened to the enemy. Roanoke Island, an important post within the Carolina sounds, had fallen in January, 1862, and every river-mouth and inlet from Norfolk to Wilmington was controlled by the Northern naval forces. Port Royal in South Carolina and the Florida seaboard were occupied by the United States navy, which had established bases in easy distance of every Southern port. In the interior, Fort Henry, on the east side of the Tennessee River, and Fort Donelson, on the west side of the Cumberland, had fallen to the Federals. The capture of the latter fort had compelled the evacuation of Nashville by Johnston. The surrender by the United States Government of Mason and Slidell, and the general development of the blockade, had wrought a feeling of hopelessness among the people of the South that Great Britain and France would ever accord the Confederacy the recognition which Davis and his advisers had counted on achieving through the simple diplomacy of cotton. Nearly two hundred collisions and minor conflicts between the contending

forces had occurred in Virginia, West Virginia, Missouri, Louisiana, Kentucky, and Tennessee,¹ as the deadly strangle-hold of the blockade grew tighter. Economic conditions in the beleaguered South had grown from bad to worse. Gold sold in Richmond on January 1, 1862, at a premium of fifty per cent, and the ordinary necessities of life had risen enormously in price.

In this depressing situation, Davis was the object of criticism and of adverse comment. Benjamin, who became secretary of state in March, 1862, described at a later date, in a communication to Slidell, the President's courage and patience under the condemnation of his critics: "In all cases without exception, however," he writes, "our chief magistrate is compelled to bear in silence any amount of clamor and obloquy, for in nine cases out of ten a disclosure of facts would injure the public interest. At moments like the present, when the calamities and distresses of a long war have created in weak and despondent souls the usual result on such natures, by making them querulous, unjust, and clamorous, when men even with good intentions, but ignorant of the facts on which alone judgment can be based, join in denunciation of those in authority, it is a spectacle really sublime to observe the utter abnegation of self, the exclusive reliance on the *mens conscia recti*, the entire willingness to leave

¹ Brock, *Virginia and Virginians*, II, pp. 449-452.

his vindication to posterity, which are displayed by the President.”¹

The fall of Fort Donelson was the signal for an outburst of dissatisfaction with Davis and the administration. The senators and representatives from Tennessee, with one exception, waited on him, and demanded the removal of General Johnston from the command of the army in the West.²

While troubles encompassed the Confederacy and its President, significant events were occurring in the North. The Federal committee on the conduct of the war, an aggregate of civilians with no military knowledge or experience, were insisting on an immediate and more vigorous prosecution of offensive warfare, and the suppression of the “rebellion.” McClellan’s delay in moving south with the Army of the Potomac was fiercely denounced, and Lincoln and his commander-in-chief were at loggerheads in regard to the plan of campaign.³ The Thirty-seventh Congress met in December, 1861, and gave its attention to the war and to a consideration of emancipation as a war measure. Frémont, in August, 1861, in command of the Western department of the Union, had issued an order declaring the slaves of militant or active rebels “free men,” which Lincoln nullified, after writing

¹ Butler, *Benjamin*, pp. 340, 341.

² *Short History*, p. 139.

³ Morse, *Lincoln*, I (S. S.), pp. 312-321; Swinton, *Army of the Potomac*, pp. 69-74.

to Frémont that he feared this action would "alarm our Southern Union friends, and turn them against us; perhaps ruin our rather fair prospect in Kentucky." But the moral advantage of the destruction of slavery was in the minds of many of the politicians, and in the first session of Congress in December, 1861, bills were introduced, not only for the punishment of treason, but to free those slaves who were employed against the government.¹

"Lincoln remained in 1862," says his biographer, Morse, "as he had been in 1858, tolerant towards the Southern men who by inheritance, tradition, and the necessity of the situation, constituted a slave-holding community. To treat slave ownership as a crime, punishable by confiscation and ruin, seemed to him unreasonable and merciless. Neither does he seem ever to have accepted the opinion of many Abolitionists, that the negro was the equal of the white man in natural endowment. There is no reason to suppose that he did not still hold, as he had done in the days of the Douglas debates, that it was undesirable, if not impossible, that the two races should endeavor to abide together in freedom as a unified community." ²

He favored gradual emancipation and payment for the slaves as a conciliatory war measure calcu-

¹ Johnston, *Am. Politics*, p. 201; Morse, *Lincoln (S. S.)*, p. 6.

² *Ibid.*, II, pp. 18, 19.

lated to satisfy the border States, and it was only when this was found to be impracticable, that he took a more advanced step. That emancipation, when it did come at his hands, came as a military necessity and not as a humanitarian act, is evidenced not only by the declaration of the Proclamation itself, that it was "a fit and necessary war measure for suppressing said rebellion," but that its scope only included "persons held as slaves within said designated States and parts of States," which were the "States and parts of States" "this day in rebellion against the United States."¹ Lincoln never wavered in his position that he was fighting the war to keep the Southern States in the Union, without regard to whether slavery stayed or went.

The long-delayed advance of McClellan's army on Richmond began in the spring of 1862, and on April 2 the Union forces, one hundred thousand strong, were at Yorktown on the Virginia peninsula. On April 6 and 7 the battle of Shiloh was fought in Tennessee, and Davis's friend, Albert Sidney Johnston, was killed in action. About the same time Island No. 10, in the Mississippi, an important strategic position in the Confederate line of defense, was captured by the Federals, with seven thousand prisoners and a large amount of military stores. The Southern armies in this section were forced into upper Mississippi and Alabama. The lower Missis-

¹ Richardson, *Messages and Papers*, VI, pp. 157-9.

issippi River was opened up by the Union navy to New Orleans. On May 1, 1862, Norfolk and the lower Chesapeake Bay were in possession of the enemy. Eastern North Carolina, West Virginia, Kentucky, and Missouri were under the practical control of the Union forces.

In March, 1862, occurred the famous fight between the Confederate ram *Virginia* and the formidable fleet of wooden battleships representing the United States. The United States frigate *Merrimac*, which had been in the Gosport Navy Yard at Norfolk when the State seceded on April 17, 1861, and had been then scuttled and sunk, was now raised by the Virginians, her hull was roughly armored, and she was converted into a war-vessel of novel design, under the supervision of John L. Porter, of Norfolk, and John M. Brooke, of the Virginia Military Institute.

On the morning of March 8 the reconstructed *Merrimac* steamed into Hampton Roads to attack the Federal war-vessels lying there. In the fight which followed between the strange Confederate craft, now called the *Virginia*, and the United States ships, the latter were overwhelmed and demoralized. The *Cumberland* was sunk, the *Congress* was burned, and the rest of the fleet was scattered. By the results of this fight the reconstructed *Merrimac* demonstrated the superiority of iron ships to wooden ones, and revolutionized naval warfare throughout

the world. During the night following the *Virginia's* attack on the fleet, the little *Monitor*, even more singular in its construction than the *Virginia*, and totally different in its movement and operation, came through the Capes into Hampton Roads, and steaming in between the stranded *Minnesota* and the Confederate ram, renewed the previously unequal fight. The conflict between the *Monitor* and the *Virginia* was the first battle that ever took place between iron-clad ships. For four hours they fought in desperate combat, and without visible effect, until a shell from the *Virginia* exploded in the *Monitor's* revolving turret, and the "little cheese-box on a raft" retired out of range of her adversary's guns, toward Old Point Comfort. The *Virginia* waited for three-quarters of an hour for the return of the lighter draft vessel from the shoal water in which she had taken refuge, and then went back to Norfolk. The *Monitor* risked no further encounter with her adversary, and for several weeks the latter protected the right wing of Johnston's army on the peninsula; but when Norfolk and the peninsula were evacuated by the Confederate forces, the commander of the *Virginia*, unable to utilize her further, blew her up at Craney Island.

Both sides claimed the victory in the Hampton Roads battle; but the controversy may be said to have been settled in favor of the *Virginia*. The results were not immediately of moment, and the sig-

nificance of the episode consisted, not in the triumph of either vessel, but in the fact that thenceforward the sea-power of the world was to be clad in armor.¹

In May, 1862, Norfolk was evacuated, and the Confederate army was forced by McClellan's advance to retire to a position in front of Richmond. In the latter part of June the Seven Days' battles took place, in which the Confederates drove the Union armies to the shelter of their fleet at Harrison's Landing, on James River, with the loss of fifty-two cannon, twenty-seven thousand muskets, ten thousand prisoners, and large quantities of military stores.

But the Confederacy paid heavily for these victories, for the losses of the Southern armies in the Seven Days' fights were more than twenty per cent larger in killed and wounded than those of the Federal forces.²

On September 17, 1862, Lee fought McClellan on the Antietam, at Sharpsburg, in a battle in which the casualties were many on either side, and retired into Virginia. "Where is the splendid division you had this morning?" Henderson says Lee inquired

¹ Tyler, *The South in the War*, S. B. N., IV, pp. 513, 514; *Short History*, pp. 201-9; Soley, *The Blockade and the Cruisers*, p. 72; *So. Hist. Soc. Papers*, i, p. 26; *Ibid.*, ii, pp. 31-40, 65-67; *Ibid.*, xvi, pp. 218-222; *Ibid.*, xxxiv, pp. 316-326.

² Walter L. Clark, *North Carolina in the Confederacy*, S. B. N., I, p. 491.

of Hood, who reported to him after the battle that he had no men left. "They are lying on the field where you sent them," was the reply, "for few have straggled. My division has been almost wiped out."¹

On September 22, 1862, President Lincoln warned the Southern States that unless they should return to their allegiance to the Union he would as an act of military necessity declare the slaves in those States emancipated.

Lincoln's view that it was the people of the seceded States who were in rebellion, and that the States themselves had never left the Union, was controverted by many of the Republican leaders, notably Thaddeus Stevens, of Pennsylvania, who ridiculed the claim that the "rebel" States were still in the Union, and that whenever our "wayward sisters choose to abandon their frivolities and present themselves at the door of the Union, we must receive them with open arms." "Could any one," Stevens asked, in a public address, "deny to a contest of the magnitude of the rebellion the term 'civil war'? The powers of Europe had recognized the Southern States as belligerents. What was even more conclusive, 'with unfortunate haste we blockaded their ports,' and thereby ourselves acknowledged their belligerency. We 'had treated their captive soldiers as prisoners of war,' ex-

¹ *Stonewall Jackson*, II, p. 323.

changed prisoners, and sent flags of truce. 'This is not the usage awarded to an unorganized banditti.'" "If public war existed," he said, "then it was clear that no compacts, laws and paper obligations could be relied upon by the South against the North."¹

The fighting South paid no attention to Northern threats of emancipation, and on January 1, 1863, the Proclamation was issued. To make it legal, an amendment to the Constitution was necessary, and the Thirteenth Amendment was passed in February, 1865, in the second session of the Thirty-eighth Congress, having failed to receive "a two-thirds majority" in the session preceding.²

The feelings engendered by the war were now of such an intense character on either side that the Emancipation Proclamation developed no such antagonism in the North as it would have encountered if it had occurred in 1861; and the South regarded it as an incident of a contest in which every available instrumentality would naturally be utilized by the enemy. The South had no fear of either the desertion or the insurrection of the slaves, and was of a like opinion to that which Lincoln expressed in September, 1862, to the clergymen from Chicago, who urged him to proclaim immediate and universal emancipation:

¹ McCall, *Stevens* (S. S.), pp. 200-2.

² Johnston, *Am. Politics*, pp. 202, 206.

What good would a proclamation of emancipation from me do, especially as we are now situated? I do not want to issue a document that the whole world will see must necessarily be inoperative, like the Pope's bull against the comet! Would my word free the slaves, when I cannot even enforce the Constitution in the rebel States? Is there a single court or magistrate, or individual that would be influenced by it there? And what reason is there to think it would have any greater effect upon the slaves than the late law of Congress, which I approved, and which offers protection and freedom to the slaves of rebel masters who come within our lines? Yet I cannot learn that that law had caused a single slave to come over to us.¹

In 1863 Lee at Chancellorsville confronted Hooker, who was in command of the Army of the Potomac, and defeated him. The victory was a costly one to the Confederacy in the loss of "Stonewall" Jackson, who was accidentally shot by his own men. Lee marched into Pennsylvania, threatening Baltimore and Philadelphia; and on July 3, 1863, occurred the battle of Gettysburg, which resulted in the defeat of the Southern army and its retreat across the Potomac. In the west Vicksburg was captured by Grant, after a long siege, on July 4, and five days later occurred the fall of Port Hudson, involving a loss to the Confederacy of forty thousand veteran soldiers. In September the Southern

¹ Morse, *Lincoln* (S. S.), II, pp. 110, 111; Johnston, *Am. Politics*, p. 203.

army of the west, under Bragg, won a victory at Chickamauga, and two months later lost the battles of Lookout Mountain and Missionary Ridge.

The opposition to the administration policies of Davis, which had developed early in the war, increased with its progress. The Confederate President's disinclination to conciliation or compromise, which came not only from natural disposition but from his earlier military education, plantation experience, and long political leadership, had brought him in conflict early in his administration with many of the Southern leaders, both military and civilian, who were individualists in thought and action, and were possessed of personal ambitions. With his great regard for constitutional limitations, he had been reluctant, even under military necessity, to suspend the writ of *habeas corpus* in 1861; and his final use of this effective weapon in dealing with conditions which compelled it was only brought about by the demand of Congress and of the people in the localities in which its suspension was deemed essential.¹ Lincoln had also suspended the writ in April, 1861, without the authority of Congress, in order to prevent the secession of Maryland, and on the theory that many of the Northern courts were disposed to interfere with the military arrest of suspected persons. While the suspension of the writ in the North resulting in the arrest and im-

¹ Dodd, *Life*, p. 291.

prisonment of many thousand persons¹ had proved a continuously potent ground of complaint with the enemies of the Republican administration,² its temperate exercise in the South by Davis afforded slight cause for the criticism of him which had its origin in other sources. There were no "midnight arrests" in the Confederacy; and a freedom of speech, which became unbridled on the part of the press, contributed in no slight measure to the embarrassments and difficulties of his administration. Three of the leading journals of the South, with intense and often vindictive accusation, held Davis and his policies up to ridicule and abuse, and continued their destructive opposition to him throughout the war.

His peculiar personal characteristics of a stately aloofness, which seemed to border on arrogance, of frequently unreckoning loyalty to friends, of a directness in his dealings with men which was at times abrupt, and of an ingrained imperiousness due to temperament and education, made him the object of fierce attack on the part of those who disapproved his conduct of the office and of the war. The individualism of the "Old South" was dominating in its political no less than in its social life, and when a military status developed, all the jeal-

¹ Alexander Johnston estimates the number at 38,000, while Rhodes concedes a very large but lesser number. *Lalor's Cyclop.*, II, p. 433, *Habeas Corpus*; Rhodes, *History*, vol. IV, pp. 230, 231, note.

² Morse, *Lincoln* (S. S.), I, pp. 286-291.

ousies and antagonisms and ambitions incident to a period of stress and struggle projected themselves into the arena of public affairs.

As soon as he was elected President, trouble had arisen over his choice of the general officers of the army. His first cabinet in a few months had demonstrated its incongruity by the retirement of several of its members. Governors of the States came to him, and sought to dictate the appointment of their favorites, both to subordinate and to superior offices. The State-sovereignty spirit of the antebellum situation was still pervasive and compelling, and the executives of some of the States antagonized Davis's measures and refused to recognize his authority. Governor Joseph E. Brown, of Georgia, went so far as to denounce the conscript acts, and wrote to Davis: "The people of Georgia will refuse to yield their sovereignty to usurpation."¹

The critics of the administration invoked the theory of equilibrium, and demanded that for every antebellum Whig appointed by the President to office, there should be a counterbalancing Democrat. Davis, with resolution and courage, while yielding his views in regard to civil appointments, which were comparatively few, in his army designations gave preference to men of military training and experience.²

¹ *O. R. Series* IV, vol. II, p. 131.

² Dodd, *Life*, pp. 291, 292.

The independence of the States, emphasized by the Confederate Constitution, cropped out constantly to hamper and at times almost to dismay an executive whose hope of success necessarily lay largely in a possible ability to concentrate and centralize power. The looseness and incoherence of the constituent parts of the new government, fighting for its life, was one of the most significant characteristics of the situation. The custom had been to permit the rank and file of the army to elect all except their general officers and those of a regimental rank, at the ballot-box; and the regimental officers were appointed by the governors of the several States. Lee, in 1862, urged upon Davis a change in this method, which he adopted. But some of the governors refused their co-operation, and the spirit of antagonism to the administration was still further aroused by their action. Complaints arose in various sections in regard to the distribution of the troops; and a sense of deep dissatisfaction with the government possessed the minds not only of the politicians but of many of the Southern people. The whole situation had much of its origin in the general characteristics of the average Southerner, and illustrated General Johnston's statement with reference to the Confederate soldiery at Manassas:

Our men had in a larger degree the instinct of personal liberty than those of the North; and it was found very

difficult to subordinate their personal will to the needs of military discipline.¹

The Confederate Congress lacked sympathy with the executive branch of the government, and continually antagonized the President's measures and policies; and Davis found constant difficulty in obtaining the enactment of legislation, which he regarded as essential to the proper conduct of the war. The use of centralized authority beyond constitutional limits was repugnant to the political thought and conduct of his whole life; and military efficiency was impaired at times by the President's unwillingness to assume powers, unwarranted by the Constitution, but which might have proved effective, especially in dealing with State authorities and conditions which their conduct created.²

¹ Dodd, *Life*, pp. 293, 294; Swinton, *Army of the Potomac*, p. 59.

² Butler, *Constitution and Government of the Confederate States*, S. B. N., IV, pp. 497, 498, citing Schwab, *History of the Confederate States*, p. 214.

CHAPTER XVII

DARK DAYS IN WAR-TIME

IN spite of disasters in some quarters, the second year of the war was marked by a series of Confederate victories which gave strong hopes of an independent South. But when success seemed at its highest, Gettysburg and Vicksburg turned the scales of war, not only for the forces in the field in America but for the silent forces warring in England and France. American courage and endurance had been equally illustrated by either side in each of these historic conflicts, and Davis writes of Gettysburg, in his *Rise and Fall*:

The battle of Gettysburg has been the subject of an unusual amount of discussion, and the enemy has made it a matter of extraordinary exultation. As an affair of arms it was marked by feats of mighty valor, to which both combatants may point with military pride. It was a graceful thing in President Lincoln, if, as reported, when he was shown the steeps which the Northern men persistently held, he answered, "I am proud to be the countryman of the men who assailed those heights."¹

Lee's army had come back to Virginia after Gettysburg, with an organization that was unimpaired,

¹ *Memoir*, II, p. 391.

and still possessed of high confidence; but the newspapers and the opinion of the country were dissatisfied and critical. The relations which had existed from the first between the President and his commander-in-chief continued unchanged, and the issue of the battle caused no waning of Davis's confidence in Lee.

On July 28, 1863, he wrote Lee a long letter in which he said:

Misfortune often develops secret foes, and still oftener makes men complain. It is comfortable to hold some one responsible for one's discomfort. In various quarters there are mutterings of discontent, and threats of alienation are said to exist, with preparation for organized opposition. There are others who, faithful, but dissatisfied, find an appropriate remedy in the removal of officers who have not succeeded. They have not counted the cost of following their advice. Their remedy, to be good, should furnish substitutes who would be better than the officers displaced.¹

Lee answered this letter July 21:

Your note of the 27th, enclosing a slip from the *Charleston Mercury* relative to the battle of Gettysburg is received. I much regret its general censure upon the operations of the army, as it is calculated to do us no good either at home or abroad. But I am prepared for similar criticism, and as far as I am concerned, the remarks fall harmless. I am particularly sorry, however, that from

¹ *O. R. Series I*, vol. LI, part 2, p. 741.

partial information and mere assumption of facts, injustice should be done any officer, and that occasion should be taken to asperse your conduct, who of all others are most free of blame. I do not fear that your position in the confidence of the people can be injured by such attacks, and I hope the official reports will protect the reputation of every officer. These cannot be made at once, and in the meantime, as you state, much falsehood may be promulgated. But truth is mighty and will eventually prevail. As regards the article in question, I think it contains its own contradiction. Although charging Heth¹ with the failure of the battle, it expressly states he was absent wounded. The object of the writer and publisher is evidently to cast discredit upon the operations of the Government and those connected with it, and thus gratify feelings more to be pitied than envied. . . . No blame can be attached to the army for its failure to accomplish what was projected by me, nor should it be censured for the unreasonable expectations of the public. I am alone to blame in perhaps expecting too much of its prowess and valor.²

On August 8 he followed up this personal communication to the President by one in which he urged that some one more capable than himself should be put in his place.

"I know," he wrote, "how prone we are to censure and how ready to blame others for the non-fulfilment of our expectations. This is unbecoming in a generous people, and I grieve to see its expression.

¹ Heth's Report, *O. R. Series I*, vol. XXVII, part 2, pp. 637 ff.

² *Lee's Confidential Dispatches to Davis*, p. 110.

The general remedy for the want of success in a military commander is his removal. I have been prompted by these reflections more than once since my return from Pennsylvania, to propose to your Excellency the propriety of selecting another commander for this army. I have seen and heard of expression of discontent in the public journals at the result of the expedition. I do not know how far this feeling extends in the army. My brother officers have been too kind to report it, and so far the troops have been too generous to exhibit it. It is fair, however, to suppose that it does exist, and success is so necessary to us that nothing should be risked to secure it. I therefore in all sincerity, request your Excellency to take measures to supply my place.”¹

To Lee's suggestion of his retirement from the command of the army in order to give place to a better man, Davis replied, on August 11, with a declination couched in terms characteristic of the relations between them and indicative of his undiminished confidence:

I admit the propriety of your conclusions that an officer who loses the confidence of his troops should have his position changed whatever may be his ability; but when I read the sentence, I was not at all prepared for the application you were about to make. Expressions of discontent in the public journals furnish but little evidence

¹ *O. R. Series I*, vol. LI, part 2, p. 752.

of the sentiment of an army. I wish it were otherwise even though all the abuse of myself should be accepted as the results of honest observation.

Were you capable of stooping to it, you could easily surround yourself with those who would fill the press with your laudations, and seek to exalt you for what you have not done, rather than detract from the achievements which will make you and your army the subject of history, and object of the world's admiration for generations to come. . . .

But suppose, my dear friend, that I were to admit, with all their implications, the points which you present, where am I to find that new commander who is to possess the greater ability which you believe to be required? I do not doubt the readiness with which you would give way to one who could accomplish all that you have wished, and you will do me the justice to believe that, if Providence should kindly offer such a person for our use, I would not hesitate to avail myself of his services.

My sight is not sufficiently penetrating to discover such hidden merit, if it exists, and I have but used to you the language of sober earnestness, when I have impressed upon you the propriety of avoiding all unnecessary exposure to danger, because I felt your country could not bear to lose you. To ask me to substitute you by some one in my judgment more fit to command, or who would possess more of the confidence of the army, or of reflecting men in the country, is to demand an impossibility.¹

In the first week of July, 1863, and before the battle of Gettysburg, Davis sent Vice-President

¹ *Memoir*, II, pp. 397-9; *Lee the American*, pp. 56-58.

Stephens as a commissioner with an official communication to President Lincoln in regard to the exchange of prisoners. There had been grave difficulties encountered by the Southern Government in its efforts to execute the cartel of exchange; and the further promotion of these efforts was Stephens's immediate mission. In his letter communicating his general instructions to Stephens, the President wrote:

My whole purpose is, in one word, to place this war on the footing of such as are waged by civilized people in modern times, and to divest it of the savage character which has been impressed on it by our enemies, in spite of all our efforts and protests. War is full enough of unavoidable horrors, under all its aspects, to justify and even to demand of any Christian ruler who may unhappily engage in carrying it on, to seek to restrict its calamities, and to divest it of all unnecessary severities.¹

The letter which was to be delivered by Stephens to Lincoln was addressed to the Union President in his capacity of commander-in-chief of the land and naval forces of the United States. It was signed by Davis in a like capacity on behalf of his government. Stephens was halted at Newport News by the officials of the Federal navy, until his request to be allowed to pursue his journey to Washington could be communicated to the Northern Government.

¹ *Memoir*, II, p. 402.

The reply came: "The request is inadmissible. The customary agents and channels are adequate for all needful military communications and conferences between the United States forces and the insurgents." "This," subsequently commented Davis, "was all the notice ever taken of our humane propositions. We were stigmatized as insurgents, and the door was shut in our faces."¹

Until the end of the war Davis vainly continued his effort to make effective the operation of the cartel; while the ration of the Confederate soldier in the field, which soon came to be one-third of a pound of meat, and one pound of indifferent meal or flour a day, and later grew worse and worse, was the logical answer of the Confederacy to the Northern charge of starvation of Union prisoners in the "rebel pens" of the South.

The blockade from an early period of the conflict had reduced the Confederacy to serious straits, which were aggravated by the unsolved problems of food transportation. The Federal prisoners almost from the beginning were compelled to endure multiplied miseries, which were imposed by the economic conditions of a distressed country, conditions which were shared with them by their captors and by the women and children and slaves of the beleaguered territory.

Charles A. Dana, commenting on a letter from

¹ *Memoir*, II, pp. 400-411; Alfried, *Life*, pp. 469-471.

Davis, January 17, 1876, to James Lyons in relation to the treatment of Federal prisoners at Andersonville, said editorially in the *New York Sun*:

This letter shows clearly, we think, that the Confederate authorities, and especially Mr. Davis, ought not to be held responsible for the terrible privations, sufferings and injuries which our men had to endure while they were kept in the Confederate military prisons.

The fact is unquestionable that while the Confederates desired to exchange prisoners, to send our men home and get back their men, General Grant steadily and strenuously resisted such an exchange. While in his opinion the prisoners in our hands were well-fed and were in better condition than when they were captured, our prisoners in the South were ill-fed, and would be restored too much exhausted by famine and disease to form a fair set off against the comparative vigorous men, who would be given in exchange.

Commenting further on Grant's refusal of exchange, and on his remarks about it, the editorial continues: "This evidence must be taken as conclusive. It proves that it was not the Confederate authorities who insisted on keeping our prisoners in distress, want, and disease, but the commander of our own armies. We do not say that his reason for this course was not valid; but it was not Jefferson Davis, or any subordinate of his, who should now be condemned for it. We were responsible

ourselves for the continued misery, starvation, and sickness in the South.”¹

The New York *Tribune* of January, 1876, published a letter from Judge Shea, who was one of Davis’s counsel at his trial, detailing the circumstances under which Greeley and Gerrit Smith went on Davis’s bail-bond; and introduced the letter with the following comment:

Chief Justice George Shea, of the Marine Court, who sends us an interesting letter about Jefferson Davis, was, as well known, the principal agent in securing the signatures of Mr. Greeley, Gerrit Smith, and others to Mr. Davis’s bail-bond. The essential point of his present statement is that Mr. Greeley and the other gentlemen whom he approached on that subject were unwilling to move in the matter until entirely satisfied of Mr. Davis’s freedom from the guilt of intentional cruelty to Northern prisoners at Andersonville; that Judge Shea, at the instance of Mr. Greeley and Vice-President Wilson, went to Canada to inspect the Journals of the Secret Sessions of the Confederate Senate, documents which up to this time have never passed into the hands of our government, or been accessible to Northern readers; that from these records, including numerous messages from Davis on the subject, it conclusively appeared that the Rebel Senate believed the Southern prisoners were mistreated at the North; that they were eager for retaliation and that Davis strenuously and to the end resisted these efforts; and

¹ This editorial is quoted in Stevenson, *The Southern Side*, pp. 445-7, but the immediate date of its publication is not given. See also Alfried, *Life*, pp. 509-532; *Memoir*, II, p. 547.

that he attempted to send Vice-President Stephens North to consult with President Lincoln on the subject. No more important statements than these concerning that phase of the Civil War have been given to the public. They shed light upon the course of Mr. Greeley, and other eminent citizens of the North; and it seems to us clear that on many accounts the Rebel authorities owe it to themselves and to history to give the public the documents which Judge Shea was permitted to see.¹

Shea states in this letter that Greeley had received a communication from Mrs. Davis, dated June 22, 1865, written from Savannah, Georgia, in which she "implored Mr. Greeley to insist upon a speedy trial" of her husband on the charges that had been made against him by the Bureau of Military Justice, of being accessory to the assassination of President Lincoln, "and upon all other supposed cruelties that were alleged he had inflicted." Greeley showed Mrs. Davis's letter to Shea, saying that he could not believe the charge true; and asked him to become professionally interested in Davis. Shea replied that "unless our Government was willing to have it inferred that Wirz was convicted and his sentence of death inflicted unjustly, it could not now overlook the superior who was at least popularly regarded as the moving cause." Greeley consulted with Vice-President Wilson, Governor John A. Andrew, Thaddeus Stevens, and Gerrit

¹ Stevenson, *The Southern Side*, pp. 480-8; *Memoir*, II, pp. 786-9.

Smith, and at their request Shea undertook the visit to Canada.

"The result of my examination," he states, "was that these gentlemen, and those others in sympathy with them, changed their former suspicion to a favorable opinion. They were from this time kept informed of movements made to liberate Mr. Davis, or to compel a trial. All this took place before any one acting on his behalf was allowed to communicate with or see him."¹

The cartel of exchange, which was established in February, 1862, and which provided that prisoners on either side should be paroled within ten days after their capture, and delivered on the frontier of their own country, became practically inoperative within a few months; and, after August 18, 1864, the date of Grant's communication to Butler, directing him to make no further exchanges, had entirely ceased.²

Those Southern newspapers which were hostile to Davis attacked him on the ground of his "ill-timed tenderness" in his methods of conducting the war. The Richmond *Examiner* published a "bill of fare" provided for one of the military prisons of the South, and invoked the indignation of the country upon a policy which fed hostile prisoners better than its own soldiers.³

¹ *The Southern Side*, pp. 480-8; *Memoir*, II, pp. 780-4.

² *The Southern Side*, pp. 445-7.

³ Alfriend, *Life*, p. 531.

Meantime there were "hard times" in the Confederacy. The available food products of the country steadily diminished; the means of transportation became more and more inadequate; the stringency of the blockade grew to a maximum. Medicines were contraband of war, and the South searched her forests and meadows for restoratives.¹ Quinine, an essential drug in the malarial sections of the lower South, sold for \$100 an ounce.² The Confederate women made coffee from parched sweet potatoes and from toasted corn and rye. They used sorghum syrup for sugar. The blankets which covered them in winter were of home-woven cloth, and old carpets furnished the covering for shoes whose soles were often "wooden bottoms."³ In April, 1864, the purchasing power of Confederate currency had diminished until the monthly pay of the Confederate soldier would not serve to buy him the scantiest meal. Tea was \$22 a pound; coffee, \$12; brown sugar, \$10; flour, \$125 a barrel; milk, \$4 a quart. Country produce, where it was accessible, was not so relatively high. Bacon and lard could be had at \$8.25 a pound, corn at \$12 a bushel, and fodder \$12 a hundred, when sugar fetched \$900 a barrel.

These figures are from a contemporary diary of a

¹ Henderson, *Stonewall Jackson*, II, pp. 426, 470, note 1.

² Henderson, *Jackson*, II, p. 498, note 1.

³ *Memoir*, II, p. 531; *Century Magazine*, "Hard Times in the Confederacy," Sept., 1888, p. 760.

resident of Richmond, which further states: "The following prices are now (April, 1864) paid in this city: Boots, \$200; coats, \$350; pants, \$100; shoes, \$125; flour, \$275 per barrel; meal, \$60 to \$80 per bushel; bacon, \$9 per pound; no beef in market; chickens, \$30 per pair; shad, \$20; potatoes, \$20 per bushel; turnip greens, \$4 per peck; white beans, \$4 per quart or \$120 per bushel; butter, \$15 per pound; lard, same; wood, \$50 per cord. What a change a decisive victory—or defeat—would make!"¹

The President's family fared no better than those of other people. They had no perquisites, and bought their domestic supplies at the public market and for the current prices. They were in like predicament with the whole South, free, bond, and captive.

Davis, after the fall of the Confederacy, was not only charged by the Bureau of Military Justice with implication in the murder of President Lincoln but also with having conspired with Captain Henry Wirz, commandant of the military prison at Andersonville, and with James A. Seddon, Howell Cobb, Winder, and others, to cause through cruelty the death of thousands of the prisoners confined there. Wirz was tried by a military commission; and though protesting his innocence, was found guilty and executed in Washington, November 10, 1865. He was offered his life, after conviction, upon undis-

¹ *Memoir*, II, p. 532.

closed authority, if he would implicate Davis in the sufferings of the prisoners. His attorney, Louis Schade, states that the condemned man, in the presence of Father Boyle, his confessor, said in reply to the offer, which was represented as coming from "a high cabinet officer": "Mr. Schade, you know I have always told you that I do not know anything about Jefferson Davis; he had no connection with me as to what was done at Andersonville. If I knew anything of him, I would not become a traitor against him, or anybody else, to save my life." ¹

The scarcity of everything in the South in the way of food from the summer of 1862 lay behind the tragedies of its war-prisons. The Confederate army, save for its weapons and munitions of war, was in constantly necessitous straits. In January, 1863, the daily ration of the private soldier was a quarter of a pound of beef, and one-fifth of a pound of sugar was ordered to be issued in addition, but there was no sugar.² In the Shenandoah Valley, which had been the granary of the Confederacy until the execution of Grant's order that it should be so dealt with by the invading army as to compel "a crow flying over it to take his rations with him," the soldier's ration in March, 1863, had come to be eighteen ounces of flour and four ounces of indiffer-

¹ *The Southern Side*, p. 130.

² *O. R. Series I*, vol. XXI, p. 1110.

ent bacon, with occasional and scanty issues of rice, sugar, and molasses. Scurvy indicated its appearance, and the regiments were directed to send men out to gather sassafras buds, wild onions, and garlic, to supply the deficiency of vegetables.¹

The lack of clothing was as great as that of food. On January 19, 1863, twelve hundred pairs of shoes and four hundred or five hundred pairs of blankets were issued to men in D. H. Hill's division, who were without either. In a Louisiana brigade of fifteen hundred men, four hundred were barefooted. A large number had no underclothing or socks, and overcoats had come to be a curiosity. There were no cooking utensils.² Suffering similar to that at Andersonville among the Federal prisoners possessed the Confederate soldiers in the fields of Virginia and along the banks of the Mississippi River.

¹ Henderson, *Jackson*, II, p. 470, note 1; *O. R. Series* I, vol. XXV, part 2, p. 687.

² *O. R. Series* I, vol. XXI, p. 1098; Henderson, *Jackson*, II, p. 471, note 1.

CHAPTER XVIII

THE SUNSET OF THE CONFEDERACY

GRANT had now been put in command of all the Union armies, and his policy, based on superior man-power, was the logical one of attrition. Sheridan was harrying the Shenandoah Valley, and Sherman was moving on Johnston at Dalton. The battles of the Wilderness, Spottsylvania Court House, with its "bloody angle," and Cold Harbor were fought successively, with a loss to the Union side of sixty thousand men, a number equal to that of Lee's whole army. The end of the year found Grant in front of Richmond and Petersburg, and Lee defending with thin ranks a line fifty miles in length.¹

As the armies drew nearer the capital of the doomed Confederacy, Davis's visits to Lee, previously made as often as his official duties permitted, came to be paid daily. The President leaned more and more, with the tragic developments of distress and disaster, upon the serene courage of his commander-in-chief. Mrs. Davis writes of him, in this crucial period, that he "had a childlike faith in the providential care of the Just Cause by Almighty

¹ Tyler, *The South in the War*, S. B. N., IV, pp. 516, 517; *Memoir*, II, p. 492.

God, and a doubt of its righteousness never entered his mind," and she narrates that she often heard him in the night repeating to himself the lines of the hymn:

"How firm a foundation, ye Saints of the Lord."

He possessed the characteristic of great optimism. Nervously sensitive, and a constant sufferer from a chronic neuralgic affection, with the keenest impressionability to adverse circumstance, his highly wrought organization was yet proof against despondency; and even when those about him had surrendered to apparent defeat, he kept a faith in final victory.¹ His courage, undaunted even in extremity, was inspiring to those who immediately surrounded him. When at last the end was imminent, and visible to every one else, he proclaimed with sincerity: "We can conquer a peace against the world in arms, and keep the rights of freemen, if we are worthy of the privilege."

In the spring of 1864 his health again declined, and Mrs. Davis resumed her habit of taking his lunch to him at his office. On April 20 "I left my children," she writes, "playing in my room, and had just uncovered my basket, when a servant came for us. The most beautiful and brightest of my children, Joseph Emory, had in play climbed over

¹ *Lee the American*, pp. 50, 51.

the connecting angle of a bannister, and fallen to the brick pavement below. He died a few minutes after we reached his side. This child was Mr. Davis's hope, and greatest joy in life. At intervals he ejaculated: 'Not mine, oh Lord, but thine!' A courier came with a despatch. He took it, held it open for some moments and looked at me fixedly, saying, 'Did you tell me what was in it?' I saw that his mind was momentarily paralyzed by the blow, but at last he tried to write an answer, and then called out in a heartbroken voice: 'I must have this day with my little child.' Somebody took the despatch to General Cooper, and left us alone with our dead."¹

Sherman, pressing against the Confederacy in Georgia, was met and checked at Kennesaw Mountain by Johnston, who fell back, fighting until he reached Atlanta. Here there were important arsenals, foundries, and war-stores, and a further retreat by the Confederates would involve their loss. A public clamor arose for the removal of Johnston from his command. Davis removed him and appointed Hood in his place. Hood, reversing Johnston's tactics, attempted an aggressive policy against the invading enemy, and was driven back and finally compelled to abandon Atlanta. Marching North in December, 1864, with the purpose of cutting Sherman's connections, Hood was attacked by the

¹ *Memoir*, II, pp. 493, 494, 496, 497.

Federal forces under Thomas, in front of Nashville, and his army defeated.

Sherman meantime was pursuing his "March to the Sea," leaving in his wake a path of ruin and desolation forty miles wide, from Atlanta to Savannah.¹ West of the Mississippi, Dick Taylor and Kirby Smith defeated a Federal army under Banks and Porter at Sabine Cross-Roads, Louisiana, and the Confederate cavalry leader, Forrest, captured Fort Pillow.

Lee was now, under Davis's commission, in command of all the armies of the South. He restored Johnston to the leadership of the shattered forces opposing Sherman in Georgia, where the conflict was drawing to a significant end. Fort Fisher, at Wilmington, which now remained the sole important accessible port to the blockade-runners, and through which nearly all the scanty supplies from abroad during 1864 came into the Confederacy, fell in January, 1865, and the port was closed. Late in the same month and year Sherman crossed the Savannah River and entered South Carolina. On February 17 his army burned Columbia.² Charleston was abandoned by the Confederates, and Sherman, marching northward through the Carolinas, was at Goldsboro, North Carolina, on March 20,

¹ Tyler, *The South in the War*, S. B. N., IV, pp. 517, 518; *Short History*, chaps. LXVI and LXVII.

² Lee, *The True Civil War*, p. 369.

1865, within one hundred and fifty miles of Grant's army in Virginia.

Before the Confederate Congress met in November, 1864, Benjamin took up with Davis the proposition to free the slaves upon condition that they should enter the Southern armies and fight till the end of the war. The hope back of this scheme was that it might even at so late a day secure foreign recognition of the Confederacy, as well as furnish additional forces to the depleted man-power of the South. Davis, after serious consideration, recommended the measure to Congress; and the Richmond *Enquirer* advocated it earnestly as a "last alternative."¹ It was discussed by Congress throughout its entire session; but the passage of the act of Confederate emancipation was postponed, and finally occurred only three weeks before the evacuation of Richmond by the government. Even then its definitive enactment into law left it in the emasculated condition of providing that only such slaves should be freed as were tendered for military service by their owners.

Stephens attacked the administration on the floor of the Senate, charging it with despotism, bad judgment, and incompetency; and asked that either Davis should be removed or that negotiations for peace should be opened with the Federal authori-

¹ *William and Mary College Quarterly*, xxv, pp. 9-12, "Kenner's Mission to Europe."

ties, without regard to the wishes of the Confederate President. Lee was approached and asked if he would agree to assume a position which would have been in effect that of dictator. He refused the proposition.¹

Francis P. Blair came to Richmond in January, 1865, and submitted to Davis a plan for compromising the struggle between the sections by a union of the armies of the North and South, and a joint expedition into Mexico to uphold the Monroe Doctrine by expelling Napoleon's Emperor Maximilian from the Mexican throne. He suggested that Davis should lead the amalgamated armies, and that Mexico should be made a part of the reunited Union.² The scheme was even more fantastic than had been that of the foreign war suggested by Seward at the beginning of the struggle.³

Blair had undertaken his mission with Lincoln's consent, but, as he disclosed to Davis, without official authority. Out of his visit came the "Hampton Roads Conference." Davis gave Blair a letter stating that he stood ready to receive any commission from the United States Government whose purpose was peace between "the two countries." Blair returned to Washington, and found the President occupying his former attitude of willingness

¹ Dodd, *Life*, pp. 346-8.

² Rhodes, *History U. S.*, V, pp. 58, 59; Alfried, *Life*, pp. 605, 607.

³ Adams, *Adams (S. S.)*, pp. 167, 168; Morse, *Lincoln (S. S.)*, I, p. 277.

to consider propositions which looked to the restoration of peace "to the people of our common country." There was no equal ground for agreement between the executives. Blair went back to Richmond, hopeful and persistent, and again returned to the Federal capital, in the confidence of bringing about a "military convention."¹ Davis appointed his political antagonist, Stephens, with R. M. T. Hunter and Judge Campbell, commissioners for the purpose of meeting the Federal authorities. The conference was held in a little steamer in Hampton Roads, and Lincoln and Seward appeared in behalf of the United States. The meeting was informal, and took the shape of a desultory conversation, of which no official contemporary record was made. Stephens, in detailing what occurred, states that in the discussion of emancipation Lincoln said that he would be willing to be taxed to remunerate the Southern people for the loss of their slaves; that he believed the people of the North were as responsible for slavery as the people of the South, and that if the war should then cease, with the voluntary abolition of slavery by the States, he would be in favor individually of the government paying a fair indemnity for the loss. He said he believed this feeling had an extensive existence at the North; "but on this subject, he said, he could give no assurance,

¹ *Rise and Fall*, II, pp. 612, 617; Alfried, *Life*, p. 605; Stephens, *Hist. U. S.*, Appendix R, No. 1, pp. 1002, 1003.

enter into no stipulation. He barely expressed his own feelings and views, and what he believed to be the views of others on the subject.”¹

Lincoln's conditions of a truce or suspension of hostilities were that the Confederate armies should be disbanded, and that the seceded States should submit to the Federal authorities. They were, in effect, terms of unqualified surrender. The Confederate commissioners returned to Richmond, and Davis reported to Congress: “The enemy refused to enter into negotiations with the Confederate States, or with any one of them separately, or to give to our people any other terms or guaranties than those which the conqueror may grant, or to permit us to have peace on any other basis than our unconditional submission.”²

At the Hampton Roads Conference, which took place February 3, 1865, the commissioners learned of the passage by Congress of the Thirteenth Amendment, and its proposition to the several Northern States; and this fact they stated in their report.³

On the day on which he communicated to Congress the result of the conference, Davis addressed

¹ *The War Between the States*, II, p. 617; *So. Hist. Soc. Papers*, xxvii, pp. 374-7.

² *Messages and Papers of the Confederacy*, I, p. 519; *So. Hist. Soc. Papers*, xxv, pp. 68-77; xxix, pp. 177-193; Julian S. Carr, *The Hampton Roads Conference*, pp. 1-36.

³ Alfried, *Life*, pp. 612, 613.

a popular meeting in Richmond, and by his eloquence aroused it to a demonstration of greater enthusiasm than on any similar occasion during the war.¹ He expressed regret that the time was not one for the celebration of a victory, and added that a people of resolution would sacrifice all things for their country. He said that his expectation from the beginning had been that peace would only come by victory; but that the President of the United States had given him reason to think that a cessation of hostilities might result from a conference; and he had, therefore, appointed a commission, who were to consider no plan that was not founded on Southern independence, for he could never willingly give up the Confederacy. With it he was ready to live or die.

He concluded: "Let us unite our hands and our hearts, and lock our shields together. We may well believe that before another summer solstice falls upon us, it will be the enemy who will be asking us for conferences and occasions on which to make known our demands." ²

Stephens, describing this speech of Davis's, says: "It was not only bold, undaunted and confident in its tone, but had that loftiness of sentiment and rare form of expression, as well as magnetic influence in its delivery, by which the passions of the masses

¹ Dodd, *Life*, pp. 352, 353; Alfriend, *Life*, p. 611.

² *Richmond Examiner*, Feb. 7, 1865.

of the people are moved to their profoundest depths, and roused to the highest pitch of excitement. Many who had heard this master of oratory, in his most brilliant displays in the Senate and on the hustings, said they never before saw Mr. Davis so really majestic."¹

On March 5, 1865, Assistant Secretary of War Campbell reported in detail to his department the depleted state of the treasury, and the lack of men, equipment, and provisions for the armies, and recommended that Lee be requested to give his opinion of the condition of the country on these facts, and that the President be asked to lay the subject before the Senate or Congress, and to invite their action.

The Treasury Department, he said, was in debt from four to five hundred millions of dollars, and the service of all its bureaus was paralyzed by want of money and credit. The plight of the Confederate armies was equally bad. Reviewing the military situation, he recalled that in April, 1862, conscription had been resorted to, and the men between eighteen and thirty-five called to the service. The campaign of that year had compelled the addition of the class between thirty-five and forty to the call of April. The campaign which ended in July, 1863, with the loss of Vicksburg and the disaster of Gettysburg, made necessary a further call, which

¹ Stephens, *Hist. U. S.*, Appendix R, No. 1, p. 1011.

included those between forty and forty-five. In February, 1864, the Conscript Act was enlarged, and all white males between seventeen and fifty were made subject to service. At the same time the currency was reduced one-third by taxation, and heavy taxes were laid otherwise.

In October, 1864, he continued, all details of men for particular service were revoked. "The casualties cannot be accurately ascertained, but enough is known to show that no large additions can be made from the conscript population."

The States of North Carolina, South Carolina, and Georgia had passed acts to withdraw from service men liable to it under existing laws. The evil of desertion was one of "enormous magnitude." The most productive parts of the country had been subjugated, other portions devastated, and the railroads destroyed. Agriculture had been diminished, and the quantities of supplies so reduced that under the most favorable circumstances subsistence for the army was uncertain and insufficient.

Along with this communication, he delivered to his department chief, Breckinridge, a copy of the "Hampton Roads Conference" report, with an indorsement by Trenholm, secretary of the treasury, indicating the government's financial distress. Breckinridge, after the letter and documents had been presented to him, required reports from each bureau of his department, and Lee was requested to

report on the armies in the field. These reports, which generally confirmed Campbell's statements, were forwarded to the President, who submitted them in turn to Congress at one of its last meetings, about the middle of March, 1865. There was no discussion of them, and the Confederate lawmakers shortly afterward adjourned.¹

Stephens, after the failure of the Hampton Roads Conference, abandoned hope and on February 9, 1865, left Richmond for his home in Georgia, where he remained until he was arrested on May 11.

¹ J. A. Campbell, *Reminiscences*, pp. 26-38.

CHAPTER XIX

DEPARTURE FROM RICHMOND AND CAPTURE

ON Sunday, April 2, 1865, the President was notified by a despatch from Lee, which reached him while he was attending services at St. Paul's Church in Richmond, that the Confederate army was compelled to evacuate Petersburg. Leaving the church, he assembled his cabinet and arranged to leave the capital. In anticipation of the probable capture of the city, he had already sent his family, under the escort of his private secretary, Burton N. Harrison, to Charlotte, North Carolina. On the day after receiving Lee's despatch, he left Richmond, with the members of the cabinet and many civil officers, who took with them the archives of the government. The train which carried them reached Danville, distant an ordinary three hours' journey, after a day and night of protracted travel. At Danville the government was established in new offices, and Davis issued a proclamation which was the last of his official publications. It was dated April 5, 1865, and illustrated his continued optimism and his still unbroken purpose to continue the conflict.

"We have now entered upon a new phase of the struggle," he said. "Relieved from the necessity

of guarding particular points, our army will be free to move from point to point, to strike the enemy in detail far from his base. Let us but will it, and we are free." He concluded this proclamation with the expression of his reliance upon God, and of a determination to meet the foe "with fresh defiance, and with unconquered and unconquerable hearts." ¹

News came to him, on April 10, that Lee had surrendered at Appomattox. In a few hours, in order to escape the Federal cavalry which had threatened their retreat from the time of leaving Richmond, with his cabinet he again started southward on their slowly moving train. Next morning they reached Greensboro, where they spent two days, and on the afternoon of the 12th he held a conference with Johnston and Beauregard, at which his secretaries, Benjamin, Breckinridge, Mallory, Reagan, and George Davis, were present. Consultation with the generals immediately disclosed their belief in the futility of protracting the struggle.

Davis opened the conference by saying to Johnston:

I have requested you and General Beauregard, General Johnston, to join us this evening that we might have the benefit of your views upon the situation of the country. Of course we all feel the magnitude of the moment. Our

¹ Alfriend, *Life*, pp. 621-2; *conf. Messages and Papers of the Confederacy*, I, p. 568.

late disasters are terrible, but I do not think we should regard them as fatal. I think we can whip the enemy yet if our people will turn out. We must look at matters calmly, however, and see what is left for us to do. Whatever can be done, must be done at once. We have not a day to lose.

There was no response from the generals, and Davis said to Johnston:

We should like to hear your views, General Johnston.

Johnston replied:

My views are, sir, that our people are tired of war, feel themselves whipped, and will not fight. Our country is over-run, its military resources greatly diminished, while the enemy's military power and resources were never greater, and may be increased to any desired extent. We cannot place another large army in the field; and cut off as we are from foreign intercourse, I do not see how we could maintain it in fighting condition if we had it. My men are daily deserting in large numbers and are taking my artillery teams to aid their escape to their homes. Since Lee's defeat they regard the war as at an end. If I march out of North Carolina, her people will all leave my ranks. It will be the same as I proceed South through South Carolina and Georgia, and I shall expect to retain no man beyond the by-road or cow-path that leads to his house. My small force is melting away like snow before the sun, and I am hopeless of recruiting it. We may, perhaps, obtain terms which we ought to accept.

Davis then said:

What do you say, General Beauregard?

"I concur in all General Johnston has said," was the reply.

It was thereupon determined to open negotiations with Sherman. Davis dictated a letter to the Federal commander, containing a brief proposition for the suspension of hostilities, and suggesting a conference with a view to agreeing upon terms of peace. Johnston signed the note, took it, and the meeting ended.¹

Davis has written of this conference:

I had never contemplated a surrender except upon the terms of a belligerent, and never expected a Confederate army to surrender while it was able either to fight or to retreat. Lee had surrendered only when it was impossible for him to do either, and had proudly rejected Grant's demand until he found himself surrounded, and his line of retreat cut off. I was not hopeful of negotiations between the civil authorities of the United States and those of the Confederacy; believing that, even if Sherman should agree to such a proposition, his government would not ratify it. After having distinctly announced my opinions, I yielded to the judgment of my constitutional advisers, and consented to permit Johnston to hold a conference with Sherman.²

While Johnston and Sherman were negotiating, Davis's secretaries and the other friends who were with him urged him to look out for himself, in the

¹ Mallory's Narrative, quoted in Alfried, *Life*, pp. 623-6.

² *Memoir*, II, p. 621.

probable event that negotiations should be unsuccessful. But he steadily refused the suggestion. He was determined against leaving the country, and continued to cherish the purpose of carrying on the war in the South, or in the southwest beyond the Mississippi. On April 16, with his cabinet and staff, he left Greensboro to go farther south, "with plans unformed," says Mallory, "clinging to the hope that Johnston and Sherman would secure peace and the quiet of the country, but still all doubtful of the result, and still more doubtful as to consequences of failure."¹

He spent the night of the 16th at Salisbury, and on the 19th reached Charlotte. Here he received information by courier of the assassination of President Lincoln. When he communicated the fateful news to those around him, "everybody's remark was, that in Lincoln the Southern States had lost their only refuge in their then emergency. There was no expression other than surprise and regret,"² and Davis himself said: "There are a great many men of whose end I would much rather hear than his. I fear it will be disastrous to our people, and I regret it deeply."³

He remained at Charlotte nearly a week, and during his stay he received the terms of surrender

¹ Mallory's Narrative, Alfriend, *Life*, p. 626.

² Burton N. Harrison, *Harrison of Skimino, The Capture of Jefferson Davis*, p. 241.

³ Mallory's Narrative, Alfriend, *Life*, p. 627.

agreed upon between Johnston and Sherman. The members of his cabinet concurred in approbation of them. They were in the nature of a treaty of peace, based on the disbandment of the Confederate armies, the recognition of the existing governments of the Southern States upon their officials taking an oath of allegiance to the Federal Government, a re-establishment of all Federal courts under the Constitution, and a general amnesty. Three days later Davis was informed of the rejection of the terms by the Federal Government, and that no other terms of surrender would be considered than those accorded by Grant to Lee.¹

Johnston surrendered, and Davis had no hope left of further resistance east of the Mississippi.

Meanwhile the danger of his capture was imminent. Many men had refused to lay down their arms with the surrender of Lee and Johnston. Among them was Wade Hampton, who sought to detach his corps from Johnston's army in order to escort Davis to the Mississippi, but whom Johnston felt that he could not except from the capitulation.² The spirit exhibited by these men encouraged Davis to believe that if he might cross the Mississippi, carrying with him such troops as would be willing to accompany him, he might yet join the

¹ Dodd, *Life*, p. 359; Alfried, *Life*, p. 627; Stephens, *Hist. U. S.*, pp. 833, 835, where the "terms" are given *in extenso*.

² Dodd, *Life*, p. 360; Alfried, *Life*, p. 628; *So. Hist. Soc. Papers*, xxvii, pp. 132-6.

unsundered forces of Kirby Smith in a country of plentiful supplies, and there continue a resistance which would bring favorable terms of final peace.¹

Davis's cheerfulness continued during his stay in Charlotte, in spite of adverse circumstances, and he said: "I cannot feel like a beaten man!"

After a few days at Charlotte, he became anxious about his wife and family, who had gone farther south. He had heard nothing of them, and requested Burton Harrison, who had escorted them out of Richmond before the evacuation, to seek them in South Carolina, saying that they would probably be found at Abbeville. He added that Harrison must use his own judgment as to what course he should pursue, in the event that he overtook them, and that "for himself, he should make his way as rapidly as possible to the Trans-Mississippi Department to join the army under Kirby Smith."²

Harrison found Mrs. Davis, as Davis had expected, at Abbeville. She insisted, upon his arrival, on starting without delay for the seaboard, bearing in mind her husband's injunction at parting in Richmond. "I had impressed upon her," he writes, "that she should not allow herself and our children to be captured, and afterwards wrote to her not to

¹ Alfried, *Life*, p. 628.

² Harrison of Skimino, *The Capture of Jefferson Davis*, pp. 243, 244; *The Century Magazine*, November, 1883.

delay anywhere but hasten on to the seacoast, and seek safety in a foreign country.”¹

Under Harrison’s escort, her party left Abbeville before her husband’s arrival there on May 3, and went on to Washington, Georgia.

One by one, secretaries and generals had taken their departure, and gone their several ways. Benjamin, Mallory, Breckinridge, and Reagan stayed longest. Breckinridge departed upon Davis’s arrival at Washington; Reagan alone now remained with his chief, and the two together, accompanied by ten trusty men, pushed forward, with the still unabandoned purpose of crossing the Mississippi.

Before reaching Washington, Breckinridge and Reagan, still anxious for his safety, urged him to put on soldier’s clothes, a wool hat and brogan shoes, and take one man with him, and go to the coast of Florida. There he might ship to Cuba, and sail thence by an English vessel to the mouth of the Rio Grande.

“We proposed,” writes Reagan, “to take what troops we still had, to go West, crossing the Chattahoochee, between Chattanooga and Atlanta, and the Mississippi River, and to meet him in Texas. His reply was: ‘I shall not leave Confederate soil, while a Confederate regiment is on it.’ ”²

¹ *Harrison of Skimino, The Capture of Jefferson Davis*, note by Davis, pp. 245, 246.

² Reagan, *Memoirs*, p. 212.

Davis overtook Mrs. Davis's party, in charge of Harrison, near Dublin. In their journey they had turned off into a side road, and encamped on a piece of high ground in a pine wood. Here pickets, consisting of Harrison and the teamsters, were put out to guard the camp. About midnight the tread of horses was heard approaching from the north, and the two teamsters ran off to arouse the camp, under the apprehension that it was an attacking party of the enemy. Harrison remained in the road to detain the advancing squadron as long as possible, and as the horsemen drew near, he halted them with the demand: "Who comes there?" The foremost rider replied in a voice which he at once recognized as that of Davis: "Friends."

Accompanying him were Colonel William Preston Johnston, Colonel John Taylor Wood, Colonel Frank R. Lubbock, Secretary Reagan, Colonel Charles E. Thorburn, and Davis's negro servant, Robert. Some of the party had heard in the afternoon, from the landlord of a country inn by the roadside, that an attempt was to be made that night to capture the wagons, horses, and mules of a company which seemed to be travelling in the direction of the seacoast; and the description led to the belief that it was Mrs. Davis's. Davis had thereupon determined to abandon his own route and overtake them. He writes that he could not learn what road his wife's party was taking. "We, however, started

promptly in pursuit," he continues, "judging our direction to the eastward, and rode rapidly on, taking all easterly roads in search of one on which the wagon-tracks could be seen, until about midnight, when we came upon a large party, representing themselves to be paroled soldiers. They were about to cross a ferry, and as you [Harrison] had not been seen or heard of there, I turned then square to the east on a bridle-path which it was said would lead to a wagon-road in that direction; and here the captain of my guard announced his horses too much exhausted to go any further. I could not wait, and started off; my staff and servant followed me. After riding eight or ten miles, I came upon your encampment as described by you, having ridden without drawing rein an estimated distance of sixty miles. After travelling several days with you, I concluded we had gone far enough to the South and east to be free from the dangers of marauders, and resolved to resume my original route to the West, having with that view sent the captain of my guard and one of the men to reconnoitre to the West, so as to learn whether [there was] any expedition of the enemy in that direction."¹

Though he did not then know it, a price of one hundred thousand dollars was on his head by proclamation of the President of the United States. He

¹ *Harrison of Skimino*, Davis's note to *The Capture of Jefferson Davis*, p. 254.

was under charge of having been identified with the criminal conspiracy of Booth and his associates, which had resulted in the murder of Lincoln and the mutilation of Seward. Handbills announcing the charge and the reward offered were in circulation, and General James H. Wilson, in command at Macon, had sent an order to General Upton, in command at Atlanta, on May 8, 1865, as follows:

The President of the United States has issued his Proclamation that the Bureau of Military Justice has reported upon indubitable evidence that Jeff. Davis, Clement C. Clay, Jacob Thompson, George A. Sanders, Beverley Tucker, and W. C. Cleary, incited and concerted the assassination of Mr. Lincoln and the attempted assassination of Mr. Seward. He therefore offers for the arrest of Davis, Clay, and Thompson \$100,000 each; for Sanders and Tucker \$25,000 each, and for Cleary \$10,000. Publish this in handbills; circulate everywhere, and urge the greatest possible activity in the pursuit.¹

But Davis, instead of contemplating escape, possessed only two purposes when he went in search of Mrs. Davis, after leaving Washington. These were to find and protect his wife and children, and then to cross the Mississippi and join Kirby Smith in a final effort for the cause that was already irretrievably lost.

Burton Harrison writes: "Had Mr. Davis continued his journey, without reference to us, after

¹ *O. R. Series I*, vol. XLIX, part 2. pp. 665, 666.

crossing the Ocmulgee River, or had he ridden on, after getting supper with our party, the night we halted for the last time; had he gone but five miles beyond Irwinville, passing through that village at night and so avoiding observation, there is every reason to suppose that he and his party would have escaped either across the Mississippi, or through Florida to the sea-coast, as Mr. Benjamin escaped, as General Breckinridge escaped, and as others did. It was the apprehension he felt for the safety of his wife and children which brought about his capture.”¹

He remained with Harrison that night and the night and day following, and on the morning of the second day, at Mrs. Davis’s earnest solicitation, left them to pursue their journey as best they might. He spent the night at Abbeville, and sent back a courier to inform Harrison that the enemy was twenty-five miles to the north, and to advise him to move on southward.

Mrs. Davis’s little party started in a terrific storm of thunder, lightning, and rain, and passed through Abbeville, where Harrison found Davis lying wrapped in a blanket on the floor of a deserted house. Davis urged him to hurry forward, promising to overtake him when the horses of his own party should be rested. The storm continued, and in the midst of it Davis again caught up with them. He remained with them until the afternoon, when it became neces-

¹ *Harrison of Skimino*, p. 266.

sary to stop near Irwinville to prepare food. Here, at the insistence of all his companions, he agreed that as soon as something to eat could be cooked, he would leave his wife and children for the last time, and press on for the trans-Mississippi.

About daybreak, the negro coachman, James Jones, awakened Harrison with the call that the enemy was at hand.

"I sprang to my feet," writes Harrison, "and in an instant a rattling fire of musketry commenced on the north side of the creek. Almost at the same moment Colonel Pritchard and his regiment charged up the road from the south upon us."

The surprised party fired no shots; yet in spite of Harrison's assurance to Pritchard, on hearing some firing, probably from the teamsters, that they had no armed escort, the Federal colonel gave the order to his troopers to charge. In a few minutes the Davis camp was apparently deserted, with no one in sight save a mounted Federal soldier near Mrs. Davis's tent, and a few troopers who stopped to plunder the wagons. Harrison saw Mrs. Davis come out of her tent and say something to the cavalryman. "Perceiving she wanted him to move off," he writes, "I approached, and actually persuaded the fellow to ride away. As the soldier moved into the road, and I walked beside his horse, the President emerged for the first time from the tent, on the side farther from us, and walked away into

the woods to the eastward, and at right angles to the road.”¹

Davis, instead of leaving earlier, as he had determined, had changed his purpose upon learning from Colonel Johnston that marauders were expected to attack the camp that night. “As they would probably be, for the most part, ex-Confederate soldiers,” he writes, “I thought they would so far respect me as not to rob the encampment of my family. In any event, or whoever they might be, it was my duty to wait the issue. My horse was saddled, hitched near to the road, and I was about to start, when the intelligence reached me of the intended attack. Still expecting to go on during the night, my horse remained saddled, my pistols within the holsters, and I lay down in my wife’s tent, with all my clothes on, to wait for the arrival of the marauders; but, being weary, fell into a deep sleep, from which I was aroused by my coachman, James Jones, telling me that there was firing over the creek. The idea with which I had fallen asleep was still in my mind, when, stepping instantly out of the tent, I saw the troopers deploying from the road down which they came, and immediately turned back to inform my wife that these were not the expected marauders, but were cavalry, having recognized them as such by the manner of their deployment. The road was some distance to the west of

¹ *Harrison of Skimino*, pp. 255-8.

the tent, and none of the soldiers were then near the tent. My wife urged me to leave immediately, the way being still open to the eastward. My horse and arms, however, were near to the road down which the assailants came, so that I must go on foot. As I started, the foreman of the deploying troopers advanced toward me and ordered me to halt, at the same time aiming his carbine at me and ordering me to surrender; to which I replied with angry defiance, and started toward him. My wife, who had been watching the whole proceeding, rushed after me and threw her arms around my neck. Whether it would have been possible for me to have escaped the trooper's fire, and get his horse by a very sudden movement, it was quite certain that an instant's delay, with the hurrying approach of other troopers, rendered the case hopeless; I therefore walked back with my wife to her tent, and passed on, without entering it, to the fire in the rear of it, where I sat down, as the morning was chilly. I do not think I went fifty feet from the tent-door, and so far from Colonel Pritchard having a sentinel stationed there, the one truth he told, so far as I know, was that he was not aware of my presence in the encampment until some time after its capture. Subsequent revelations sufficiently showed that the object of the expedition was to capture the wagons supposed to be laden with that hypothetical gold of the Confederate Treasury."

Harrison says: "I had been astonished to discover the President still in the camp when the attack was made. What I learned afterward explained the mystery. Wood and Thorburn tell me that after the President had eaten supper with his wife, he told them he should ride on when Mrs. Davis was ready to go to sleep; but that when bedtime came, he finally said that he would ride on in the morning,—and so, spent the night in the tent. He seemed to be entirely unable to apprehend the danger of capture. Everybody was disturbed at this change in his plan to ride ten miles farther, but he could not be got to move."¹

On the morning following his capture, Pritchard handed Davis, who now learned for the first time of the charge against him of being Booth's accomplice, a copy of the printed handbill offering one hundred thousand dollars for his capture. He "read it with a composure unruffled by any feeling other than scorn."

The reward offered was twice the amount of that offered for the capture of Booth.

Four days later the prisoners and their captors reached Macon, where the fallen Confederate President was placed under guard on a train to be transported to Augusta and thence to Fortress Monroe.

The work of plundering the camp was begun as

¹ *Harrison of Skimino*, pp. 259, 260, 263.

soon as it was captured. A trunk belonging to Mrs. Davis was broken open, and a hoop-skirt and other articles of woman's apparel taken from it, whose appearance furnished the suggestion for the statement that Davis had attempted to escape in his wife's clothing; and the stolen clothes were carried North and preserved as trophies.¹ Harrison says of the Confederate leader's alleged disguise when captured: "It was as yet scarcely daylight. The President had on a waterproof cloak. He had used it when riding, as a protection against the rain during the night and morning preceding that last halt; and he had probably been sleeping in that cloak at the moment when the camp was attacked." ²

Circulation was given to the mendacious and silly story, originated by a sensational newspaper correspondent, through Wilson's official report to Stanton of May 14, in which he stated that he had derived it from the captors. Colonel Pritchard, however, made no mention of it in his published official report and correspondence. It appealed to the morbid public appetite of a wide-spread belief in the North that Davis was connected with the Lincoln assassination. The Northern papers were full of it. Stanton wrote to Robert J. Breckinridge

¹ *O. R. Series* II, vol. VIII, pp. 570, 571.

² *Harrison of Skimino*, pp. 259-266; *Memoir*, II, pp. 631-646; *Short History*, pp. 494, 495; *Alfriend, Life* (Mallory), pp. 633, 634; *Pollard, Life*, pp. 523, 524.

that "Jefferson Davis was caught three days ago in Georgia, trying to escape in his wife's clothes,"¹ and on May 23 Charles A. Dana, assistant secretary of war, ordered General Miles to direct Colonel Pritchard to bring with him "the woman's dress in which Jefferson Davis was captured."²

[In an interview at Macon between Davis and General Wilson, says Walthall: "General Wilson abruptly and rather indelicately introduced the subject of the reward offered by the President of the United States for the arrest of Mr. Davis, and the charge against him of complicity in the assassination of Mr. Lincoln, inquiring whether he had heard of it. 'I have,' was the answer, 'and there is one man who knows it to be a lie.' 'By one man,' rejoined Wilson, 'I suppose you mean some particular man.' 'I do,' answered Mr. Davis, 'I mean the man (Andrew Johnson) who signed the proclamation; for he knew that I would a thousand times rather have Abraham Lincoln to deal with as President of the United States than to have him.' It was said with full expectation that it would be repeated."³]

Possibly Davis's opinion of Johnson was softened, as were those of the Southern people generally, by

¹ *O. R. Series II*, vol. VIII, p. 563.

² *Ibid.*, II, vol. VIII, p. 569; *Va. State Bar Asso. Rep.*, vol. XIII, *The Trial and Trials of Jefferson Davis*, pp. 233, 234.

³ W. T. Walthall, *The Capture of Jefferson Davis, So. Hist. Soc. Papers*, V, pp. 97-118.

the President's subsequent attitude of a fearless defender of the defeated Southerners against the programme of the Northern radicals to humiliate and oppress them under the Reconstruction Acts.

CHAPTER XX

IMPRISONMENT AND TRIAL

DAVIS was sent from Macon to Savannah, and thence was transported under a heavy guard on the steamer *Clyde*, convoyed by the Federal sloop-of-war *Tuscarora*, to Fortress Monroe.

The *Clyde* arrived at the fortress on May 19. General Nelson A. Miles had been appointed to take charge of the post and of the captured Confederates, and awaited their coming. They consisted of Jefferson Davis, Alexander H. Stephens, John H. Reagan, Clement C. Clay, Joseph Wheeler, William Preston Johnston, F. R. Lubbock, Burton N. Harrison, and one or two subaltern officers.¹ Stephens and Reagan were sent on to Fort Warren, at Boston, and Wheeler, Johnston, and Lubbock to Fort Delaware. Burton Harrison was taken to Washington and confined in the old capitol prison, while the captured women and children were returned to the South.

Dana went to Fortress Monroe to look after the incarceration of Davis and Clay. He reported on May 22 that they were safely confined.

¹ *O. R. Series* II, vol. VIII, p. 558.

The arrangements for the security of the prisoners seem to me as complete as could be desired. Each one occupies the inner room of a casemate. The window is heavily barred. A sentry stands within before each of the doors leading into the outer room. These doors are to be grated, but are now secured by bars fastened on the outside, and the key is kept exclusively by the general officer of the guard. Two sentries are also stationed without that door. A strong line of sentries cuts off all access to the vicinity of the casemates. Another line is stationed on the top of the parapet overhead, and a third line is posted across the moats on the counterscarp opposite the places of confinement. The casemates on each side and between those occupied by the prisoners are used as guard rooms, and soldiers are always there. A lamp is constantly kept burning in each of the rooms. . . .

Later, on the same day, Dana gave Miles written instructions, in the name of the secretary of war, as follows:

Brevet-Major-General Miles is hereby authorized and directed to place manacles and fetters upon the hands and feet of Jefferson Davis and Clement C. Clay, whenever he may deem it advisable in order to render their imprisonment more secure.¹

Miles, on May 24, informed Dana: "Yesterday I directed that irons be put on Davis's ankles, which he violently resisted, but became more quiet afterward."² The newspapers circulated the story,

¹ *O. R. Series* II, vol. VIII, p. 564.

² *Ibid.*, II, vol. VIII, p. 571; *Prison Life*, pp. 33-43.

and the Northern people failed to receive it with approval. On May 28 Stanton telegraphed Miles from Washington: "Please report whether irons have or have not been placed on Jefferson Davis. If they have been, when it was done, and for what reason, and remove them." Miles replied: "I have the honor to state in reply to your despatch that when Jeff. Davis was first confined in the casemate, the inner doors were light wooden ones without locks. I directed anklets to be put upon his ankles, which would not interfere with his walking, but would prevent his running, should he endeavor to escape. In the meantime I have changed the wooden doors for grated ones with locks, and the anklets have been removed. Every care is taken to avoid any pretense for complaint, as well as to prevent the possibility of his escape."¹

On the same day General Halleck, commanding the Military Division of the James, with headquarters at Richmond, issued the following order to Miles:

Jeff Davis and C. C. Clay having been confined in Fort Monroe by order of the Secretary of War, communicated through me, they will be removed from that place only on orders from the same source, communicated in the same way. No writs or orders of any civil courts will be recognized or obeyed.²

¹ *O. R. Series II*, vol. VIII, p. 577.

² *Ibid.*, II, pp. 577, 578.

The prisoner was allowed to see, write, or talk to no one. His fare was that which was furnished from the kitchen of the guard, and his linen was dealt out to him by the major-general commanding, to whom that function had been assigned by General Halleck.¹ Books, papers, and correspondence were luxuries which were deemed by the Federal authorities inconsistent with public safety, and were prohibited.² Late in the summer of 1865 books and newspapers were allowed the prisoner.

On January 30, 1866, after the Northern press had commented adversely and severely on the treatment of the Confederate prisoners at Fortress Monroe, the secretary of war ordered that thirty-six dollars a month be paid "for furnishing the prisoners, Davis and Clay, with such food as they require, and for the payment of the laundresses who do their washing." The day after this elaboration of diet, the daily report states that Davis "suffered more than usual from dyspeptic symptoms."³

Charles O'Connor, of New York, a leader of the American bar, wrote June 2, 1865, to Davis, tendering his services as counsel. After the interchange of communications between the military authorities at Fortress Monroe and Washington in regard to furnishing Davis with pen, ink, and paper in order

¹ *O. R. Series* II, vol. VIII, p. 1565.

² *Ibid.*, II, vol. VIII, pp. 570, 915-919.

³ *Ibid.*, II, vol. VIII, pp. 874, 875.

that he might reply to O'Connor, writing materials "sufficient for the specific purpose of accepting or declining Mr. O'Connor's offer" were directed to be supplied him.¹

At the time of the incarceration of Davis and Clay in Fortress Monroe the belief was genuine and wide-spread at the North that they were implicated in Lincoln's assassination. In consequence of this belief, and of the announced result of Judge-Advocate Holt's investigations into the alleged conspiracy, it was the original intention of the government to cause their trial by a military commission on that charge. The Judiciary Committee of the House of Representatives was directed to examine into the charge which was formulated by Holt,² and Colonel L. C. Turner, of the Bureau of Military Justice, was detailed to aid the committee in ascertaining the facts. The witnesses to be examined were those whose depositions had been obtained by the judge-advocate general. Turner proceeded, in discharge of the work to which he was detailed, to examine with industry and intelligence into the character and conduct of these accusing witnesses. His investigation disclosed that the whole business, in which Conover was the leader,

¹ *O. R. Series* II, vol. VIII, p. 642; *Ibid.*, II, pp. 655-8.

² *Ibid.*, II, vol. VIII, pp. 856 *ff.* See the depositions of witnesses on which the charge was founded, set out in Holt's report. *O. R. Series* II, vol. VIII, pp. 815, 847-861.

was a conspiracy to deceive Holt for the purpose of obtaining money from the government.

“Sanford Conover,” wrote Turner in his report,—“his true name is Dunham; lawyer by profession, formerly lived at Croton, then in New York and Brooklyn; a very shrewd, bad and dangerous man. William Campbell—his true name is Joseph A. Hoare, a gas-fixer by trade; born in the State of New York, and never south of Washington. Joseph Snevel—his true name is William H. Roberts, formerly ticket agent on Harlem railroad, then kept tavern at Yonkers, &c.; was never south. Farnum B. Wright—true name John Waters; is lame in the knee; works in a brick yard near Cold Spring, on Long Island, &c. John H. Patten—true name Peter Stevens; lives at Nyack near Piermont, on the North River; is now a justice of the peace there. Sarah Douglass and Miss Knapp—the true name of one is Dunham, who is the wife of Conover; the name of the other is Mrs. Charles Smythe, is the sister or sister-in-law of Conover, and lives at Cold Spring, Long Island; her husband is a clerk on Blackwell’s Island. McGill—his name is Neally; he is a licensed pedlar in New York, and sometimes drives a one-horse cart.”

Turner’s report concludes: “My investigation and the disclosures prove (undoubtedly in my mind) that the depositions made by Campbell, Snevel, Wright, Patten, Mrs. Douglass and others

are false; that they are cunningly devised, diabolical fabrications of Conover, verified by his suborned and perjured accomplices.”¹

Holt withdrew the depositions, and made a report setting out his correspondence and interviews with Conover and the others, and seeking to demonstrate that he was not to blame for believing them.² Conover was arrested and taken to Washington for trial. He told Turner that his motive in organizing and conducting the conspiracy was a desire to avenge himself on Davis, on whose order he had been confined in Castle Thunder, the Confederate prison in Richmond, and who had, besides, “insulted his wife.” He was indicted under his real name of Charles A. Dunham for perjury, was tried in 1867, convicted, and sentenced to ten years’ imprisonment in the Albany Penitentiary.³

“Mr. Thaddeus Stevens,” wrote Judge Shea, in his letter to the *New York Tribune* of January 15, 1876, “on May, 1866, related to me how the Chief of this Military Bureau showed him ‘the evidence’ upon which the proclamation was issued charging Messrs. Davis and Clay with complicity in the assassination of Mr. Lincoln. He said he refused to give the thing support, and that he said the evidence was insufficient and incredible. I am

¹ *O. R. Series* II, vol. VIII, pp. 921 ff.

² *Ibid.*, II, vol. VIII, pp. 931 ff.

³ Blackford, *Va. State Bar Asso. Repts.*, XIII, p. 246; Dewitt, *Assassination of Abraham Lincoln*, p. 173.

not likely ever to forget the earnest manner in which Mr. Stevens then said: 'Those men are no friends of mine. They are public enemies; but I know these men, sir. They are gentlemen, and incapable of being assassins.' ''¹

The charge was abandoned and that of treason was substituted.² Davis was indicted for treason at its May term, 1865, by the United States Court at Norfolk, presided over by Judge John C. Underwood, a New York abolitionist who had settled in Virginia before the war. The district attorney moved for a bench-warrant, which Underwood refused. This indictment was lost during the summer of 1865 and never again came to light.

An indictment on the same charge was found against him in the District of Columbia; but no process, issued upon it, was ever served, and it was abandoned.³

In January, 1866, it was recommended by the attorney-general and the secretary of war that Davis should properly be tried in Virginia, where Chief Justice Chase was to preside; but Chase declined to hold court there during the continuance of martial law in the South.⁴ He was finally indicted for treason on May 10, 1866, in the circuit court of

¹ *Memoir*, II, pp. 788, 789; Dewitt, *Assassination of Abraham Lincoln*, p. 288, note 1; Rhodes, *History*, V, p. 158, note.

² Dewitt, *Assassination of Abraham Lincoln*, pp. 173, 174.

³ Blackford, *Va. S. B. Asso. Reports*, XIII, p. 247.

⁴ Hart, *Chase (S. S.)*, p. 352.

the United States for the District of Virginia; and on June 5 James T. Brady, of New York, William B. Read, of Philadelphia, and James Lyons and Robert Ould, of Richmond, appeared in court as his counsel. Read inquired if the case was to be tried, and claimed the constitutional right of speedy and public trial. On the following day the attorney for the government read a paper to the court, in which he stated that Davis was not in the custody of the court, and was beyond its control; that the district attorney was so much engaged with official duties that he could not attend; and that the prisoner himself was too unwell to stand a long trial at that time of the year. Brady, on behalf of his client, waived the plea that Davis was not in custody of the court, and insisted on a speedy trial. Underwood stated that the chief justice was to preside at the trial, and could not be present until the October term. The case was then continued to that term.

On June 7, 1866, Charles O'Connor and Thomas G. Pratt, ex-governor of Maryland, representing the prisoner, and Speed, the attorney-general, on behalf of the government, waited on Chief Justice Chase, at his residence in Washington, to ascertain if he would entertain a motion to admit Davis to bail. Chase stated that he would not act until the writ of *habeas corpus* was restored and military law had ceased in the South. An application for

bail was later made to Underwood, in the attorney-general's office in Washington, and refused by him. The President, the chief justice, the attorney-general, and the circuit judge all professed a desire to grant the prisoner's release, but each found some alleged constitutional objection.¹

No court was convened at Richmond for the October term, to which the case had been adjourned; and it was not until May, 1867, that the prisoner was brought into court.

Doctor Craven, Davis's prison physician, had reported to Miles, under date of September 2, 1865, that "prisoner Davis" was in a feeble condition, which he attributed to the dampness of his casemate, and suggested a change.² In consequence of the physician's letter "prisoner Davis" was removed in October, 1865, to a much better room in "Carroll Hall" in the fortress, and was in every respect more comfortable than he had been in the casemate.³

On April 25, 1866, Mrs. Davis, whose letters to officials in regard to her husband's health remained unanswered, hearing that he was failing rapidly, telegraphed to President Johnson for permission to see him. The request was referred to the secretary of war, who ordered the general commanding

¹ Blackford, *Va. S. B. Asso. Repts.*, XIII, p. 251; Hart, *Chase* (S.), pp. 352, 353.

² Craven, *Prison Life*, pp. 235, 236.

³ *Ibid.*, p. 281; Blackford, *Va. S. B. Asso. Repts.*, XIII, p. 257.

the fortress to permit Mrs. Davis to visit her husband, under such restrictions as might be consistent with the safety of the prisoner.¹

Davis's health grew worse, and his attorneys continued their efforts to obtain either the release of their client on bail or the determination of a day for his trial;² and at length, when Underwood opened the May term, 1867, of the court at Richmond, Shea filed a petition on his behalf for a writ of *habeas corpus*. The writ was granted and served on General Henry S. Burton, then commanding at Fortress Monroe. On May 13, 1867, Davis appeared in court, accompanied by his counsel, Charles O'Connor, William B. Read, George Shea, John Randolph Tucker, Robert Ould, and James Lyons. The government was represented by William M. Evarts, the attorney-general, and by Mr. Chandler, the district attorney. ←

George Davis, the ex-attorney-general of the Confederacy, wrote to his son two days later from Richmond: "Mr. Davis, though looking better than I expected, is only the shadow of his former self, but with all his dignity and high, unquenchable manhood. As he entered the densely crowded courtroom, with his proud and lofty look, every head reverently bowed to him, and a stranger would

¹ *O. R. Series II*, vol. VIII, pp. 900, 901.

² Blackford, *Va. S. B. Asso. Reports*, XIII, pp. 256-262; Hart, *Chase (S. S.)*, pp. 352, 353.

have sworn that he was the judge and Underwood the culprit.”¹

In the presence of an audience which included among others Generals Schofield and Granger, General Burton and Doctor Cooper, and a number of prominent Southerners, O’Conor announced that the defense was ready and desired a trial. The attorney-general objected to a trial at that term, and the court sustained the objection. A motion to admit the prisoner to bail was made and granted. The bail-bond, in the penalty of one hundred thousand dollars, was signed among others by Horace Greeley, Gerrit Smith, and Cornelius Vanderbilt of New York.²

When the bond had been executed, the Federal marshal, having Davis in custody under the writ, was directed by the court to discharge the prisoner, and this was done, “amidst deafening applause.”

The question whether secession, which had been taught to Davis as a constitutional principle at West Point, when he was a cadet, might be construed as treason in the application of its penalties to him as a prisoner in 1865, in Fortress Monroe, early engaged the attention of the legislative branch of the government. In December, 1865, a joint resolution of Congress provided for a committee of the

¹ Dodd, *Life*, p. 370, and note (1).

² Blackford, *Va. S. B. Asso. Repts.*, XIII, p. 265.

two Houses to "inquire into the condition of the States which formed the so-called Confederate States of America, and report whether they or any of them are entitled to be represented in either house of Congress; with leave to report at any time by bill or otherwise."¹

As incident to this investigation by the committee, which reported against the "so-called Confederate States" being then allowed representation in the Congress of the United States, the possibility of convicting Davis of treason upon a trial in Virginia was inquired into.² Among the ten witnesses called was Robert E. Lee. He testified in part as follows:

Question : Do you think it would be practicable to convict a man in Virginia of treason for having taken part in this rebellion against the government, by a Virginia jury, without packing it with direct reference to a verdict of guilty?

Answer : On that point I have no knowledge, and I do not know what they would consider treason against the United States. If you mean past acts—

Mr. Howard : Yes, sir.

Witness : I have no knowledge of what their views on that subject in the past are.

Question : You understand my question: Suppose a jury was empanelled in your own neighborhood, taken up by lot; would it be practicable to convict, for instance,

¹ *Report of the Joint Committee on Reconstruction*, p. iii.

² *Ibid.*, pp. vii to xxii.

Jefferson Davis for having levied war upon the United States, and thus having committed the crime of treason?

Answer : I think it is very probable that they would not consider that he had committed treason.

Question : Suppose the jury should be clearly and plainly instructed by the court that such an act of war upon the United States on the part of Mr. Davis, or any other leading man, constituted in itself the crime of treason under the Constitution of the United States; would the jury be likely to heed that instruction, and if the facts were plainly in proof before them, convict the offender?

Answer : I do not know, sir, what they would do on that question.

Question : They do not generally suppose that it was treason against the United States, do they?

Answer : I do not think that they so consider it.

Question : In what light would they view it? What would be their excuse or justification? How would they escape in their own mind? I refer to the past.

Answer : I am referring to the past, and as to the feelings they would have. So far as I know, they look upon the action of the State, in withdrawing itself from the government of the United States, as carrying the individuals of the State along with it; that the State was responsible for the act, not the individual.

Question : And that the ordinance of secession, so-called, or those acts of the State which recognized a condition of war between the State and the general government, stood as their justification for their bearing arms against the government of the United States?

Answer : Yes, sir. I think they considered the act of the State as legitimate; that they were merely using the reserved right which they had a right to do.

Question : State, if you please, (and if you are disinclined to answer the question, you need not do so), what your own personal views on that question were?

Answer : That was my view; that the act of Virginia, in withdrawing herself from the United States, carried me along as a citizen of Virginia, and that her laws and her acts were binding on me.

Question : And that you felt to be your justification in taking the course you did?

Answer : Yes, sir.¹

Chase apparently shrank from sitting in judgment upon the question of Davis's treason, and Doctor Hart says of the constantly deferred trial that "it was plain that the Chief Justice had no heart in the prosecution, that the administration would not urge it, and that Northern men saw no advantage in making a martyr of the President of the Confederacy,"² and it is known that Lincoln gave it to be understood, after the fall of Richmond, that he did not desire that Davis and some of the other Confederate leaders should be captured, but wished that they might be allowed to escape from the country.³

The United States Circuit Court convened in Richmond for its November term, 1867, and Attorney-General Evarts asked that the case be post-

¹ *Report of the Joint Committee on Reconstruction*, part II, p. 133.

² Hart, *Chase* (S. S.), p. 353.

³ Morse, *Lincoln* (S. S.), II, pp. 237, 238.

poned until the following March, to suit the convenience of the chief justice. Davis's counsel announced themselves ready for trial, and demanded it, but consented to the delay in order to have Chase on the bench at the trial.¹

After he had been released from his prison in Fortress Monroe in May, 1867, Davis proceeded with his wife to Canada to rejoin their children, who were in the Dominion under the charge of Mrs. Davis's mother and sister; and they remained in Montreal during the summer. Mrs. Davis writes of him at this time: "We had little, and my husband's health was apparently hopelessly gone. His emaciation was very great, and long imprisonment had left him with a lassitude very noticeable to those domesticated with him."² His health, however, improved in the Canadian summer, and under the influence of association with James M. Mason and other Confederate friends whom he visited at Niagara and Toronto. While in Canada, the idea came to him to write a history of the Confederacy; and he sent for his letter-books and message-books, "which had been secretly taken from their place of concealment" after his departure from Richmond, and conveyed North to be deposited in the Bank of Montreal. A casual inspection of their contents caused him to delay this work to a later day, when

¹ Blackford, *Va. Asso. Repts.*, XIII, p. 267.

² *Memoir*, II, pp. 796, 797.

he might write the epic story of the *Rise and Fall of the Confederate Government* with greater calmness "than he could feel in their contemplation then."¹

A new indictment was found against him on March 26, 1868, charging him on various "counts" with many acts of treason, among which was that of "conspiring with Robert E. Lee, J. P. Benjamin, John C. Breckinridge, William Mahone, H. A. Wise, John Letcher, William Smith, Jubal A. Early, James Longstreet, William H. Payne, D. H. Hill, A. P. Hill, G. T. Beauregard, W. H. C. Whiting, Ed. Sparrow, Samuel Cooper, J. B. Gordon, C. T. Jackson, F. O. Moore, and with other persons whose names are to the grand jury unknown," to make war against the United States; and with other high crimes and misdemeanors. The grand juries which found the indictments were composed of whites who could take "the test oath," and of recently emancipated negro slaves.

Again the case was continued, and from term to term, until on December 3, 1868, the final trial of the former President of the Confederacy began. Davis sat at the bar behind his counsel, much improved in health since his last appearance in the same room, when the abolitionists Greeley and Gerrit Smith had signed his bail-bond; and the chief justice of the United States presided. Underwood was at Chase's side; but the arguments of

¹ *Memoir*, II, pp. 798, 799.

counsel were addressed to the chief justice. Of Davis's numerous volunteer attorneys, those who appeared for him on this occasion were Charles O'Connor, William B. Read, Robert Ould, and James Lyons. The government was represented by the new district attorney, S. Ferguson Beach, and by Richard H. Dana, Jr., of Boston, and Henry H. Wells, a New Yorker who had been appointed military governor of Virginia. The attorney-general was detained by official duties which "rendered it impossible for him to be present." A motion was made to quash the indictment, which was argued at length.

Davis's counsel, upon the motion to quash, contended that the accused was included in the operation of the Fourteenth Amendment which had just gone into effect, and that the penalties therein enumerated took the place of any previously incurred penalties for treason. The third section of the amendment, which was that relied on, is: "No person shall be Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrec-

tion or rebellion against the same, or given aid or comfort to the enemies thereof; but Congress may, by a vote of two-thirds of each House, remove such disability.”¹

Before tendering the motion to quash, Ould had filed in open court his own affidavit, that on December 8, 1845, Jefferson Davis had qualified as a member of the United States House of Representatives by taking an oath “to support the Constitution.” Chase was of opinion to sustain the motion to quash on the ground assigned by the accused’s counsel, but Underwood voted against it; and upon the division, the motion failed. The fact of the disagreement was certified to the supreme court for decision, and the case was again continued to the May term, 1869. Before the term arrived, Andrew Johnson made his general amnesty proclamation, which was held to cover Davis’s case; and on February 15, 1869, the two indictments for treason were dismissed by an order declaring that “the District Attorney, by leave of the court, saith that he will not prosecute further on behalf of the United States against the above named parties upon separate indictments for treason.”

The undetermined motion certified to the supreme court was never called for trial by that tribunal. In the February following the dismissal of the indictments in the circuit court, an order was en-

¹ *Const. U. S., Amendment XIV, sec. 3.*

tered, reciting that inasmuch as the indictments had been dismissed, Davis and his bondsmen were forever released.¹

The order of dismissal, stating that the government would "not prosecute further," was consented to by Davis's counsel, after consultation among themselves, and in his absence. His attitude in favor of a trial had always been uncompromising and persistent.²

¹ Blackford, *Va. State Bar Asso. Repts.*, XIII, pp. 268-273.

² *Southern Hist. Soc. Papers*, xxxviii, pp. 347-9.

CHAPTER XXI

LAST YEARS

THE coercion of the seceded States by the Federal Government in 1861 was sought to be justified on the ground that secession was unconstitutional, and that the people of these States, which were still in the Union, were in rebellion.

On March 2, 1867, however, Congress enacted that the States of the late Confederacy should be divided into military districts and placed under military rule. On March 23, 1867, a supplemental act was passed, completing the plan of reconstruction. These acts annulled the State governments then in existence, enfranchised the negroes, and disfranchised all who had taken part in the war against the Union, whether pardoned or not, if they had previously held any executive, legislative, or judicial office under State or Federal Government, or had "given aid to the enemies of the Union." They provided for the calling of conventions, the framing and adopting of State constitutions, and the election of State officers by the new electorate; and authorized the machinery necessary to create and operate the new governments in order that

the military districts might again become parts of the United States.¹

From this legislation sprung a social, political, and economic orgy in the South, sordid and debased beyond expression, whose evils were infinitely worse than had been all the woes of war.

The colder climate of Canada, whither Davis had gone after his release from prison, proved too rigorous for his enfeebled constitution, and he was advised to spend the winter of 1867 elsewhere. Sailing for New Orleans by way of Havana, he arrived with his family in Cuba just before Christmas, where he remained for a week, and thence went to New Orleans. Here he met with a welcome even warmer than that which had greeted him upon his triumphant return twoscore years earlier from the victorious battle-fields of Monterey and Buena Vista. He found his property gone and his friends impoverished. Several of his old negroes came to see him during his stay in New Orleans, and he paid a visit to others of them at Davis Bend, where he beheld a scene of desolation in the destruction of Hurricane and Briarfield by the occupation of the Federal armies.

While in New Orleans he met with a severe accident, and the continued decline of his health caused his physician to prescribe a visit of a year to Europe. In England he and his family had many

¹ Act of March 2, 1867; Act of March 23, 1867.

invitations extended to them, and were the recipients of numerous civilities. Under the influence of new surroundings and cheerful company, his health improved; and "by the winter, when we removed to London," writes Mrs. Davis, "he began to look less like a skeleton, and of his own choice to walk about and take more interest in affairs around him."¹

He visited Paris for a few weeks, and there he had an agreeable reunion with Slidell, and was invited by the Emperor and Empress to Court and to mass in the imperial chapel. But Davis remembered the conduct of Napoleon the Third in the matter of recognition, and declined to see him. "Even then," writes Mrs. Davis, who accompanied him to the French metropolis, "the shadow of the bloody drama that was to end the dynasty of the Bonapartes hung over Paris, and the blue blouses talked treason in the Musée de Napoléon, and hissed out between their teeth abuse of the army officers as they passed."²

He returned to London, where he frequently saw his former secretary of state, who had been the author of many of the Confederate President's messages to Congress; and who, now a Queen's counsel, and on the way to the leadership of the English bar, had illustrated Hebraic genius and perseverance under three governments.³ Still in

¹ *Memoir*, II, p. 808.

² *Memoir*, II, pp. 809, 810.

³ Butler, *Benjamin*, p. 326.

poor health, he left Paris in company with Doctor Charles Mackay, the Scottish poet and editor, and visited Scotland. Here his health improved perceptibly; but he recovered his depleted strength only partially, and never again was robust.¹

In the autumn of 1869 he was offered the presidency of a life-insurance company at Memphis, Tennessee, which the necessity of earning a livelihood for himself and his family compelled him to accept. Leaving them in London, he went to Memphis, where he remained for some months, and then returned to London to fetch them back to America. On the eve of his departure from London he received by cable news of the death of his brother Joseph, to whom he was deeply attached, and whose loss came to him as a great sorrow.²

The citizens of Memphis, upon his arrival, offered him, for a gift, a handsome residence as an expression of their good-will; but he preferred to be the recipient of no donations, however freely and generously offered, and gratefully declined to accept it. He applied himself diligently, though probably unsuccessfully, to learning the science and technicalities of the life-insurance business. His training and experience had not been along such lines, and he later discovered that his company was not organized and conducted on a safe basis. "After putting everything he could command into the stock

¹ *Memoir*, II, p. 811.

² *Ibid.*, II, p. 811.

to save it, the company, he found, must fail, as the yellow-fever made the Southern risks alone too great for profit.”¹

With its failure was lost the small remnant of his meagre fortune, and troubles thickened about him. The death of his brother had caused both the plantations at Davis Bend to be thrown into litigation for the satisfaction of liens with which they were encumbered. His little son William was stricken with diphtheria, just before the collapse of the insurance company, and died.² Of his family there now remained his wife, his older daughter, Margaret, who had married Mr. J. A. Hayes, and a boy and girl, Jefferson and “Winnie.” Out of the wreck of the Hurricane and Briarfield suits a portion of his old plantation was saved to him; and from the lands where he had started life as a planter, after his eight years’ service in the United States army, he now hoped to support himself and his family. But his health grew worse, and again he was ordered to England. His visits abroad had the effect of distracting his attention from a too constant contemplation of the past; and after some pleasant months spent in the agreeable society of Lord Campbell and Mr. Beresford-Hope in England, and of his old friend and commissioner, A. D. Mann, in Paris, he returned home in somewhat improved condition.

¹ *Memoir*, II, pp. 812, 813.

² Dodd, *Life*, p. 373.

Pursued by vicissitudes and worn with harsh experience and increasing age, his courage continued dauntless and unbroken, and he looked about him again for the means of making a livelihood. Bountiful gifts of houses and lands and money might have been his for the acceptance; but his pride was as fine-edged as his courage. The people of Texas invited him to visit that State after the death of his little son in 1874; and upon much urging he went. They met him with welcoming acclaim, and offered to give him a tract of land and stock enough to furnish it; but again, as in the case of the Memphis residence, he declined the proffered gift.¹

In July, 1862, an act had been passed by the Congress giving the President power to proclaim a general amnesty. In 1867 a bill was enacted depriving the President of that right, though Andrew Johnson denied the power of Congress to restrict his constitutional authority, and continued to issue proclamations of pardon. On May 22, 1872, a general amnesty bill was passed, excepting, however, from its operations about seven hundred and fifty ex-Confederates, who had before 1861 held civil or military positions under the government.² To become a beneficiary of its provisions, it was necessary that application should be made for the

¹ *Memoir*, II, p. 815.

² Johnston, *Am. Politics*, pp. 212, 228.

removal of the prescribed disabilities. Davis, while accepting in good faith the results of the war, declined to ask pardon for an offense of which he denied that he was guilty.

“In asserting the right of secession,” he reiterates, in the concluding chapter of his *Short History of the Confederate States*, a condensation of the *Rise and Fall*, which was published in the year following that of his death, “it has not been my wish to incite to its exercise. I recognize the fact that the War showed it to be impracticable, but this did not prove it to be wrong; and now that it may not be again attempted, and that the Union may promote the general welfare, it is needful that the truth, the whole truth, should be known, so that crimination and recrimination may forever cease; and then, on the basis of fraternity and faithful regard for the rights of the States, there may be written on the arch of the Union, *Esto Perpetua*.”¹

On March 3, 1879, the bitterness of past years again surged about him in a debate in the United States Senate upon an amendment to the bill for pension arrears to soldiers in the Mexican War. The amendment provided that “no pension shall ever be paid under this act to Jefferson Davis, the late President of the so-called Confederacy,” who had not asked to be included in the provisions of the bill, or desired to be pensioned by the govern-

¹ *Memoir*, II, pp. 829, 830; *Short History*, pp. 504, 505.

ment.¹ The Senate passed the amendment by a vote of twenty-three to twenty-two, after a debate which rekindled the passions of the period antedating the war. The unconscious subject of the acrimonious discussion had, in the meantime, been bending his energies toward the development of a trade between South America and the United States, through the organization of an international enterprise which might build up New Orleans and the cities of the lower South. He visited England in pursuit of this project; but, says Doctor Dodd, "as in the days of his magnificent fight for the Southern Pacific Railway, the combined energies of Northern capital and New England enterprise were against him,"² and the scheme came to naught.

This was the last of his larger plans in life, and he began to look about him for some quiet though humble place where he might end his days in the peace and seclusion which had been denied him since his earliest years at Briarfield. He selected a location on the waters of the Gulf of Mexico, about half-way between Mobile and New Orleans, and renting one of the cottages in the yard of "Beauvoir," the residence of Mrs. Sarah A. Dorsey, he engaged board for himself, and for his family when they should be with him, put up in it shelves for

¹ *Debate on Pensioning Jeff Davis*, condensed from the *Proceedings of the U. S. Senate*, March 3, 1879.

² *Life*, pp. 374, 375.

his books and papers, and settled himself to the composition of his history of the Confederacy.

In April, 1878, Mrs. Davis, who had accompanied him to Europe on his last visit abroad, joined him at "Beauvoir," and with the clerical assistance of his wife and of Mrs. Dorsey, and the literary aid of his friend, Major W. T. Walthall, and of Judge Tenney, whom his publishers sent down to assist him, he completed the book at the end of three years.

Its composition was interrupted by the death of his sole surviving son, Jefferson, who died at Memphis of yellow fever; and later Mrs. Dorsey succumbed to the same malady. In anticipation of her death, she had asked Davis some time before to agree to act as her executor. He had objected on the score that he was old and could not very well administer any fiduciary trust; but when she persisted, he consented in the belief that the trust would be of an eleemosynary character. After her death, the will disclosed that she had devised "Beauvoir" to him during his life, with reversion to his youngest daughter, "Winnie," then a minor.

His history did not prove remunerative; but he said that he had not undertaken it as a matter of pecuniary profit. He was satisfied if the end should be gained by it of showing the motives of the South to the world.¹

Soon after the book's completion he and Mrs.

¹ *Memoir*, II, pp. 827-830; Dodd, *Life*, pp. 376, 377.

Davis went again to Europe to meet their young daughter, who had been at school in Germany, and was then with friends at Paris. They remained in Paris three months, and he spent the greater part of his time there with his friend, A. D. Mann, at Chantilly. Here, too, he again saw Benjamin, "older, but the same cheerful buoyant person," as Burton Harrison describes him in the *Capture*. It was his last meeting with his former secretary, and when the visit was ended, he returned to take up his life again at "Beauvoir."¹

About this time he was offered by a representative of the Louisiana State Lottery a salary of ten thousand dollars a year, to do for a magazine which the Lottery's managers proposed to issue "what Curtis does for *Harpers*, only the opposite; namely, press the charter-rights of the States again to the front." He saw beneath the glittering and seductive offer its real significance, and refused it.²

His long imprisonment in Fortress Monroe, which had sapped a vitality never abundant since his young manhood, and the courage with which he had faced conflict and defeat, created a kindlier feeling for him among those in the South who had been his least lenient critics, and kindled anew the affection and admiration of those who had remained his friends. The publication of his history of the Confederacy augmented this sympathy, and developed

¹ *Memoir*, II, p. 831.

² Dodd, *Life*, p. 380, note 2.

a renewed confidence in him on the part of the people for whom he had borne a great burden. In 1886 he made a number of public addresses in Mississippi, Alabama, and Georgia, and was met everywhere with expressions of kindness and affection such as no other speaker had ever received.¹

The more than "threescore years and ten" of the Hebrew psalmist lay heavy upon him, and the last of these "homecomings to his people," at Macon, Georgia, was too much for his weakened vitality. His physician forbade him further excitement, and he returned to Beauvoir, to appear no more in public. He went to Briarfield in November, 1889, and was there taken ill. His sickness prevented his reaching home before the end, and with his wife, who had joined him on his way down the Mississippi, he could go no farther than New Orleans, where he died, December 6, 1889.

From all over the South representative men and women hastened to attend the obsequies of the dead leader. The Grand Army of the Republic joined in the funeral ceremonies with the camps of Confederate veterans, and the citizens of New Orleans thronged to his burial in Metairie Cemetery. The governors of nine States were his pallbearers, and the legislatures of the Commonwealths which he had led in war held memorial sessions in his memory.²

¹ Dodd, *Life*, p. 381.

² Dodd, *Life*, pp. 381, 382.

Thornton Montgomery, of the race whose servitude had been the proximate cause of the "irrepressible conflict," sent Mrs. Davis a note of sympathy. He was a successful and prosperous son of Joseph E. Davis's old servant, Ben Montgomery, on the plantation at Davis Bend, and was then living in Dakota.

"Miss Varina," he wrote, "I have watched with deep interest and solicitude the illness of Mr. Davis at Briarfield, his trip down on the steamer *Leathers*, and your meeting and returning with him to the residence of Mr. Payne at New Orleans; and I had hoped that with good nursing and superior medical skill, together with his great will-power to sustain him, he would recover. But, alas! for human endeavor, an overruling Providence has willed it otherwise. I appreciate your great loss, and my heart goes out to you in this hour of your deepest affliction.

"Would that I could help you bear the burden that is yours today. Since I am powerless to do so, I beg that you accept my tenderest sympathy and condolence." ¹

Four years after his death the people of Richmond asked that his body might be entombed, in the company of many other soldiers and statesmen of the South, in Hollywood Cemetery. Jefferson Davis was borne back to the scene of his great

¹ *Memoir*, II, p. 934.

adventure, the capital of what had once been the Confederate States of America. His body lay in state in the chief cities through which it passed, and tens of thousands came to gaze on the face, that was still resolute and undaunted in death.¹

[He had been the leader of eleven confederated Commonwealths. He had organized and led against overwhelming odds for four years a resistance which achieved great victories, and compelled the admiration of the civilized world for the genius of its captains and the valor and self-sacrifice of its citizen soldiers, who fought for the vindication of what he and they believed to be the rights of the sovereign and independent States under the Federal Constitution, which the States had created and adopted.]

¹ Dodd, *Life*, pp. 382, 383.

CHAPTER XXII

PERSONALITY AND CHARACTER

No man of modern times has been more diversely estimated both by his contemporaries and by those who have come later than has Davis. Yet with these varying estimates, Schuckburgh's statement concerning Cicero, in his preface to the *Letters*, is equally applicable to the Confederate President: "Though he will still, as he did in his lifetime, excite vehement disapproval as well as strong admiration, he will never, I think, appear to any one dull or uninteresting."¹ James Redpath, who was an abolitionist and a lifelong political opponent, but who knew him well personally, and was familiar with his history, writes of him: "There are two Jefferson Davises in American history,—one is a conspirator, a rebel, a traitor, and the 'Fiend of Andersonville,'—he is a myth evolved from the hell smoke of cruel war—as purely imaginary a personage as Mephistopheles or the Hebrew Devil; the other was a statesman with clean hands and

¹ *The Letters of Cicero*, translated into English by Evelyn S. Schuckburgh, M.A., p. v.

pure heart, who served his people faithfully from budding manhood to hoary age, without thought of self, with unbending integrity, and to the best of his great ability;—he was a man of whom all his countrymen who knew him personally, without distinction of creed political, are proud and proud that he was their countryman.”¹

This diversity of opinion, which has existed among some of the people whom he governed, and among many who opposed him in the struggle between the sections, is illustrated primarily in the former case by the two biographies of him written by Southern authors immediately after the war. Pol-
lard's *Life*, with its sub-title, *A Secret History of the Confederacy*, published in 1869, is a *chronique scandaleuse*, which, while conceding to its subject both patriotism and courage, charges him with favoritism, exaggerated self-esteem, and gross incompetency, and holds him personally responsible for the failure of the Confederacy. That of Al-
friend, published in 1868, is partisan in its commendation, and represents the extreme views of those who were Davis's warmest friends and admirers.

His qualities and personal characteristics, no less than the circumstances of his tragic career, conduced to create these antagonistic contemporary opinions of him, which the lapse of time has served to crys-

¹ *Memoir*, II, p. 936.

tallize into two fixed and diverse estimates. A distinguished Northern writer said of him in 1898: "The moral difference between Benedict Arnold on the one hand, and Aaron Burr or Jefferson Davis on the other, is precisely the difference that obtains between a politician who sells his vote for money and one who supports a bad measure in consideration of being given some high political position."¹ Three years before his death Henry W. Grady introduced him to an audience at Atlanta, Georgia, in language which did not exaggerate the regard in which he had then come to be held by most of the people for whom he had spent himself, and whose "Lost Cause" he typified.

"It is good, sir," said Grady, addressing him, "for you to be here. Other leaders have had their triumphs. Conquerors have won crowns, and honors have been piled on the victors of earth's great battles; but never, sir, came man to more loving people. Never conqueror wore prouder diadem than the deathless love that crowns your gray hairs today. Never king inhabited more splendid palace than the millions of brave hearts in which your dear name and fame are forever enshrined. Speaking to you, sir, as a son of a Confederate soldier who sealed his devotion with his life,—holding kinship through the priceless heritage of his blood to you and yours,—standing midway between the thinning ranks of his

¹ Roosevelt, *Thomas H. Benton (S. S.)*, p. 145.

old comrades, whose faltering footsteps are turned toward the grave and the new generation thronging eagerly to take the work that falls unfinished from their hands,—here, in the auspicious present across which the historic past salutes a glorious future, let me pledge you that the love we bear you shall be transmitted to our children and our children's children, and that generations yet unborn shall in this fair land hold your memory sacred, and point with pride to your lofty and stainless life.

“My countrymen” (turning to the audience), “let us teach the lesson in this old man's life, that defeat hath its glories no less than victory. Let us declare that this outcast from the privileges of this great government is the uncrowned king of our people, and that no Southern man, high or humble, asks a greater glory than to bear with him, heart to heart, the blame and the burden of the cause for which he stands unpardoned. In dignity and honor he met the responsibilities of our common cause. With dauntless courage he faced the charges. In obscurity and poverty he has for twenty years borne the reproach of our enemies and the obloquy of defeat. This moment . . . finds its richest reward in the fact that we can light with sunshine the shortening end of a path that has long been dark and dreary. Georgians, countrymen, soldiers and sons of soldiers, and brave women, the light and crown and soul of our civilization, rise and give

your hearts voice, as we tell Jefferson Davis that he is at home among his people." ¹

In the core of Grady's rhetorical eloquence lay the secret of much of the enmity and of the affection which divided themselves over the Confederate leader. "The blame and the burden" of his advocacy and concrete support of secession made for him his bitterest enemies and his most admiring friends; and the conflicting judgments of those who antagonized and those who supported a constitutional interpretation, finally condemned by the arbitrament of arms, not unnaturally fastened themselves upon its most conspicuous representative.

To the man himself, with the healing of political passions and the softening of personal asperities through the lapse of time, history must accord the possession of many noble qualities. Mr. Gamaliel Bradford has written of him: "He had pluck, splendid pluck, moral and physical. It was indeed, I imagine, rather pluck of the high-strung, nervous order than the cool, collected calmness of Lee or Grant. There again is the difference of types. Nevertheless, Davis's pluck is beyond question. He had consistency, too, knew his ideas and stuck to them, had persistency. 'He was an absolutely frank, direct and positive man,' said General Breckinridge. And he was sincere in his purposes, as well as consistent. 'As God is my judge, I never

¹ Hill, *Life of Benjamin H. Hill*, pp. 226, 227.

spoke from any other motive (than conviction),’ he told Seward. Beyond question he told the truth. He was unselfish, too, thoughtful of others, and ready to make sacrifices for them. ‘He displayed more self-abnegation than any other human being I have ever known,’ says one of his aides, and the statement is abundantly confirmed”; and the same writer characterizes him as an “able, brilliant, noble figure.”¹

His qualities of both head and heart were affirmative and aggressive. There was nothing negative or indifferent in his character. Extreme both in his attachments and in his antagonisms, he was a profoundly loyal friend and a relentless enemy. Out of these extremes of opinion and feeling sprung his most obvious faults. “He was severe in his judgment of those whom he disliked, and slow to perceive or to suspect a fault in those he loved and trusted. If once his confidence was shaken, however, from whatever cause—well-grounded or imaginary—he was prone to pass to the other extreme, that of entire distrust.”² The tenacity of his friendship is illustrated by his continued confidence in more than one of his generals who proved unsuccessful commanders, and by his sturdy adherence to Northrop, his commissary-general, whose unfortunate struggle with adverse economic conditions re-

¹ Bradford, *Lee the American*, pp. 49, 50, 69.

² Walthall, *Davis*, p. 47.

sulted in the attempt of his enemies to remove him from office, which Davis prevented. In the expression of his opinion, even to those whom he believed he had ground for condemning, he was unhesitating and relentless to a degree that sometimes bore the appearance of arrogance. On one of Joseph E. Johnston's letters to General Cooper, in relation to orders issuing from "the Headquarters of the Forces," containing the statement: "Such orders I cannot regard, because they are illegal," he wrote "insubordinate"; and to another, in which Johnston argued at length the alleged injustice of the rank to which he had been assigned by the President, Davis replied: "Its language is, as you say, unusual; its arguments and statements utterly one-sided, and its insinuations as unfounded as they are unbecoming." ¹

Yet that he bore no malice on account of his disagreement with Johnston is indicated in Mrs. Davis's statement: "In the whole period of his official relation to General Johnston, in the confidence of family intercourse, I never heard him utter a word in derogation of General Johnston, though he often differed from him in his views of military strategy." ²

Sometimes, under strong provocation, the expression of his opinion was violent. "Driveling on possibilities," he writes Beauregard, whom he re-

¹ *Memoir*, II, pp. 140, 142-154.

² *Memoir*, II, p. 155.

garded as possessing some of the characteristics of a dreamer.¹

But with all his directness of speech and sternness of criticism, he was innately courteous and considerate of the feelings of others, and his readiness to acknowledge himself in the wrong when convinced of it marked a high moral courage. In a debate in the Senate in 1858 Benjamin took umbrage at Davis's disparagement of a statement which he had made. The Mississippian retorted that the Senator from Louisiana had attempted "to misrepresent a very plain remark." Benjamin challenged Davis to fight, and Bayard, of Delaware, delivered the note. Davis read it and tore it up, saying: "I will make this all right. I have been wholly wrong." Thomas F. Bayard, writing of the incident, says that Davis "walked back to his desk in the Senate, and on the first opportunity rose and made the most distinct withdrawal of what he had said, and regretted any offense most amply. No one in the Senate but my father knew what had called forth from Davis this apology, for Benjamin had sat down in silence when Davis had made the rude interruption."²

Mr. Bradford's comment on this episode is the mistaken one that "kind friends prevented the

¹ *O. R.*, vol. II, [p. 508. In the *Rise and Fall of the Confederate Government*, this word is "dwelling" instead of "driveling." *Confederate Portraits*, note 51, ch. IV, p. 274.

² Butler, *Benjamin*, pp. 177, 178; Bradford, *Confederate Portraits*, p. 143.

future Secretary of State from shooting at his President"; but Davis's conduct was uninfluenced by anything save his own magnanimity. "More seriously instructive and profitable," adds the commentator, "is the contrast between the explanations offered by the two men to the Senate. Davis's is in his best vein, nobly characteristic, as thoroughly frank as it is manly and dignified. Benjamin's is well enough, but cautious, as if he were afraid of his position, and anxious not to say a word too much." ¹

His subsequent relations with Benjamin as attorney-general and secretary of state were of the most cordial and confidential character, and the Louisianian remained his most trusted friend and counsellor to the end.

After the discordant elements of his cabinet had withdrawn in the earlier period of the war, he was staunchly supported against a hostile Congress by those members who remained and by the newcomers. Reagan, Breckinridge, Trenholm, and George Davis, all men of character and ability, possessed and retained his confidence and continued faithful to his fortunes to the last.

With Stephens, the Vice-President, he had disagreed on many subjects of public policy, and the Georgian's antagonism to Davis's administration had been avowed and open. But their personal

¹ *Confederate Portraits*, p. 143.

relations remained friendly, and Stephens, after the Hampton Roads Conference, giving up all hope of the Confederacy, parted with him in utmost kindness. "It was then," Stephens writes, "that I withdrew from Richmond. My last interview with Mr. Davis, before leaving, was after my thus declining to address the meetings proposed. He inquired what it was my purpose to do. I told him that it was to go home and remain there. I should neither make any speech, nor even make known to the public in any way my views of the general condition of affairs, but quietly abide the issues of fortune, whatever they might be. Differing as we did at that time upon these points as we had upon others, we parted in the same friendship which had on all occasions marked our personal intercourse."¹

No higher tribute to Davis's personal character and to his conduct as President of the Confederacy could have been paid than by the undeviating friendship and confidence of Lee. Not long after the close of the war, Lee wrote to Early: "I have been much pained to see the attempts made to cast odium upon Mr. Davis, but do not think they will be successful with the reflecting or informed portion of the country,"² and he spoke to Gordon admiringly of him, commending "the strength of his convictions, his devotion, his remarkable faith in the pos-

¹ *History of the United States*, Appendix R, p. 1011.

² R. E. Lee, Jr., *Recollections and Letters of Gen. R. E. Lee*, p. 220.

sibility of still winning our independence, his unconquerable will-power.”¹

Henderson, in his *Stonewall Jackson*, states that “it can never be known to what extent his (Lee’s) designs were thwarted by the Confederate Government,” and adds, “Lee served Mr. Davis; Jackson served Lee, wisest and most helpful of masters.” The intimation is that Davis thwarted Lee’s plans; but, although the two men sometimes differed in their estimates of the general officers of the army, as illustrated in their correspondence relative to Hood,² there appears to be no instance in which Davis, whom “Lee served,” interfered with the military plans of his commander-in-chief.

Davis’s relations with the men who were his official advisers, and generally with those who were his commanders in the field, vindicate the statement that “he had a keen insight into human character, and his estimate of men was in general just and sagacious.”³

In the Mexican War he exhibited under limited opportunity some of the best qualities of the soldier and military leader. He was diligent in preparation, prompt and energetic in movement, resourceful in expedient, and valorous in battle. When, after the secession of Mississippi, he had been put in command of its forces, he felt that it was a position

¹ J. B. Gordon, *Reminiscences*, p. 393.

² *Lee’s Dispatches*, pp. 282, 284.

³ Walthall, *Life*, p. 47.

which he was competent to fill; and there is little doubt, whatever might have proven to be his skill and ability as the commander of an army in the field, that he would have preferred the command of the Confederate armies to occupying the office of President. Yet, with this confidence in his own military ability, though constitutional commander-in-chief of the army and navy, "it was his policy . . . not to interfere with the operations of his generals in the field, unless under circumstances of extreme necessity; and although sometimes present in time of action, we believe he never personally assumed command on any occasion, a rare exercise of forbearance in a trained and experienced soldier. The glory of their successes was left for the enjoyment of his lieutenants, although he never shrank from bearing the blame too often visited upon him for their failures."¹

Although his inclination was in the direction of military affairs, it was to the theory and the practise of politics and statesmanship that his life was chiefly devoted; and it was as politician and statesman that he was most distinguished. He was a close student of history and of the science of politics, and upon the substructure of definite fundamental principles he established a political conception of the American system of a democratic government of checks and balances, which combined "the philo-

¹ Walthall, *Life*, p. 48.

sophical spirit of the theorist with the practical aptitude for business of the man of action and execution." If his ingrained devotion to State-rights may appear extreme to a later generation in the subsequent light of historical evolution, his attachment to the Union of the Constitution, as his school of political thought interpreted it, was no less intense. As long as the Constitution, strictly construed, continued inviolate in his contemplation, he wished for the continuance and preservation of the Union. When, according to his view, the sovereign States, whose compact it embodied, were denied the rights to which they were entitled under it, by the imposition of oppressive tariffs; by the exclusion of the property of one section by another from the Territories which were the common domain of all the States; and by the interference of one portion of the country with the domestic institutions of the other; and when the respective interests of the two sections seemed to him irreconcilable, then and only then was he willing to utilize the ultimate remedy which he held to be a part of the Constitution itself, and to appeal to the solution of secession.

Throughout the period of his public life, he was consistent and unwavering in his maintenance of the strict-construction, State-rights theory of the Federal compact; and the facts of history demonstrate that his primary purpose as President of the

Confederacy in conducting the war was as little to perpetuate slavery as was that of Lincoln to abolish it.

His ability as an interpreter of the Constitution was illustrated, in the Great Controversies, on the floor of the Senate; and his talents and capacities as an administrator were shown in the measures which he devised and executed while secretary of war under Pierce. These also showed his constructive statesmanship, which was further conspicuously indicated, while President, by his compulsory reduction of the currency, by his plan of enrolling negroes as soldiers, by his recommendations to Congress for the construction and repair of railroads for military purposes, and by many other initiative measures of wisdom and foresight.¹ He was far-sighted enough to anticipate the possible coming of the "irrepressible conflict," and wise enough to counsel a change in the economic life of the South, when its approach seemed imminent. Unlike most of his political associates, he believed that war would ensue from secession, and that it would be long and bloody; and, though his confidence in the ultimate issue, growing out of his faith in the necessity of intervention on the part of the cotton-manufacturing Powers of Europe, was illusive, it was a confidence which was shared for

¹ *Short History*, pp. 123-5; "The Confederate Government and the Railroads," *Am. Historical Review*, July, 1917, pp. 794 ff.

a long time by his friends, and one whose realization was anticipated and dreaded by his enemies.

Whether some other man might have more ably administered the office of President of the Confederacy must always remain a legitimate subject of difference among historians and critics. But that the failure of the secession movement was due to other than economic causes is now hardly susceptible of successful demonstration, though Davis's critics have been clamorous.

He "is probably not equal to the rôle he is called upon to play," writes the author of *A Rebel War Clerk's Diary*. "He has not the broad intelligence required for the gigantic measures needed in such a crisis, nor the health and physique for the labors devolving upon him."¹

Pollard states that "on the 11th of February, 1865, General Lee wrote deliberately and conscientiously in one of his general orders: 'Our resources, fitly and vigorously employed, are ample,' " and argues that it was Davis's maladministration and its consequences which caused the fall of the Confederacy, sixty days later.² But Campbell's report to the secretary of war shows the sore distress to which the government had come at that time, under the strangle-hold of the blockade, the irreparable decay and destruction of all transportation facili-

¹ *Lee the American*, p. 68.

² Pollard, *Life*, p. 446.

ties,¹ and the loss of hope on the part of many of the Southern people. On February 22, 1865, Lee himself said in a despatch to Breckinridge: "You will see to what straits we are reduced; but I trust to work out," and after the war, he stated: "If my opinion is worth anything, you can always say that few people could have done better than Mr. Davis. I knew of none that could have done as well."²

Mosby, the Confederate partisan leader, who never came under Davis's influence, and who saw little, if anything, of him personally, says: "I think history will record him as one of the greatest men of the time. Every lost cause, you know, must have a scapegoat, and Mr. Davis has been chosen as such; he must take all the blame without any of the credit. I do not know any man in the Confederate States that could have conducted the war with the same success that he did."³

As an orator, Davis was occasionally unequal. In debate, he was ready, resourceful, and courageous. Oliver Dyer, a reporter of the Senate, describes him, in 1848, as "a handsome man, with a symmetrical figure, well-up to the medium size, a piercing and kindly eye, and a gamy, chivalric bearing. He had a fine sonorous voice, and was always a fluent and sometimes an eloquent speaker. He

¹ "Confederate Government and the Railroads," *Am. Hist. Review*, xxii, p. 794.

² Lee, *Recollections and Letters*, p. 287.

³ *Memoirs*, p. xv.

was ready and skillful in debate, animated in style, occasionally vehement in manner, but always courteous,"¹ and Walthall says of him: "He was not specially happy as a holiday speaker. He could not simulate or create a factitious interest in a subject on which he was indifferent. Of a striking and impressive presence and a bearing eminently elegant and graceful, he yet never resorted to any of the artificial accessories of oratory. His style could not properly be called winning or persuasive. The magnetism that he exercised was derived from strong convictions, earnestness of purpose, transparent sincerity and truthfulness, force, directness and frankness of expression. But the power of his eloquence was never fully developed unless the stimulus of opposition aroused something of the combativeness of his nature and called his splendid courage into play. Perhaps only they who have been witnesses of some of those rare occasions in his career when he stood before an angry, excited or sullen multitude, strong in the might of an earnest conviction of right or truth, united with a lofty defiance, which grew firmer and cooler and more resolute in proportion to the strength of the antagonism,—only such can entirely realize his power to move, control, or electrify an audience."²

As a writer he does not appear as able as in his

¹ *Great Senators*, pp. 123, 124.

² Walthall, *Life*, pp. 49, 50.

oratorical efforts, though many of his state papers won admiration from his contemporaries, and are still worthy of study as masterpieces of their kind. For the President's messages to Congress Benjamin claimed the credit. In a letter written by him to Mason from London, February 8, 1871, the former secretary of state says: "I have the original report made by the Commissioners who went to Hampton Roads, and a bound copy of the President's Messages to Congress, which you (who were in our secrets) know to have been written by me, as the President was too pressed with other duties to command sufficient time for preparing them himself."¹

Davis disliked the physical effort of writing, and in the preparation of the *Rise and Fall* he availed himself of the services of amanuenses. When he wrote with his own hand, his style deteriorated from that of his dictation, and often became labored and discursive. But if the theme was especially appealing, and inspired his energy and enthusiasm, his method of expression was clear and vigorous. Walthall, who lived with him at Beauvoir, and assisted him in the preparation of his history, says: "One fault which has been criticised as characteristic of his speeches and state papers, but more especially of the narrative parts of his history, is that of overstatement. That strength and positiveness of conviction and intensity of sympathy or antagonism

¹ Butler, *Benjamin*, p. 396.

which marked his temperament led him often to magnify the merits of a friend, and sometimes, no doubt, the faults of a foe.”¹

From the time of his life at West Point, he had been an omnivorous reader of politics, history, and governmental science; and he possessed a great store of information on matters outside the range of these especial subjects. Doctor Craven, in the *Prison Life*, narrates many interesting conversations with his patient upon topics of natural science, in which he apparently took a great interest; and comments on his unusual power of memory, which, he said, “appeared almost miraculous,—a single perusal of any passage that interested either his assent or denial enabling him to repeat it almost verbatim, when eulogizing its logic or combating what he considered its errors.” As a curious instance of the wide range of his information, Doctor Craven writes:

An officer of the day, very fond of dogs, and believing himself well-posted in all varieties of that animal, once entered the prisoner’s cell, followed by a bull-terrier, or some other breed of belligerent canine. Mr. Davis at once commenced examining and criticising the dog’s points with all the minuteness of a master, thence gliding into a general review of the whole race of pointers, setters and retrievers, terriers, bulldogs, german poodles, greyhounds, bloodhounds, and so forth; the result of his conversation being best given in the words of the dog-fancying officer: “Well,

¹ Walthall, *Life*, p. 50.

I thought I knew something about dogs, but hang me if I won't get appointed officer of the day as often as I can, and go to school with Jeff Davis." ¹

Ordinarily reserved and reticent, he could on occasion, and with persons whom he admitted to his confidence, prove himself both charming and instructive in conversation and social intercourse; and his considerateness and courtesy prevented any difference of opinion from interfering with a cordial expression and interchange of views. That he should have had a just opinion of his own qualities was natural; but he was entirely lacking in personal vanity or conceit. He often declared, after the war that Albert Sidney Johnston should have been President of the Confederate States, instead of himself, if this might have been possible; and that he had entertained this opinion from the beginning. "My own character," he would say, in substance, writes Walthall, "was full of sharp angles and irregularities, which were continually coming in contact with somebody's wishes or feelings, and repelling or giving offense to people. Johnston, on the other hand, with all his great abilities, had a character so happily rounded, a temperament so evenly balanced, that he was fitted as well for winning and guiding as for governing and controlling men, alike in the management of

¹ Craven, *Prison Life*, pp. 232, 233.

civil affairs and in that of the operation of armies.”¹

Mr. Bradford, in discussing Davis's relations with Lee, complains that in his writings he tells so little of himself, and says that “his own work, *The Rise and Fall of the Confederate Government*, is one of the numerous books that carefully avoid telling us what we wish to know. . . . Of administrative complications and difficulties, of the internal working of the Confederate Government, of personalities at Richmond, and the Richmond atmosphere, of the inner life and struggles of the man himself, hardly a word.”² This reticence is peculiarly characteristic. His own personality was of secondary significance to him in the exigencies of the great cause which demanded his best energies and abilities; and in his narration of its history his thought was as little on himself as it had been during his conduct of the struggle. But that he knew himself, his shortcomings, his inabilities, is illustrated in what he said of Albert Sidney Johnston. In his speech in the Senate in the debate over the situation at Charleston, he spoke of having sought to curb “an impatient temper” in the discussion of what had led up to it. In his “farewell address,” he offered apology to any senator to whom he might have given umbrage by his speeches. The unselfishness, which Mr. Bradford says made him “thought-

¹ Walthall, *Life*, p. 52.

² *See the American*, p. 48.

ful of others, and ready to make sacrifices for them," kept his own personality in the background of any narrative of his concerning the events in which he figured.¹

Of his personal attractiveness there are many witnesses. Carl Schurz wrote of him when secretary of war, that he embodied the ideal of a War Minister. Seward, before the Great Controversies had culminated in the "irrepressible conflict," said that he was "a splendid embodiment of manhood,"² and Charles Francis Adams, the younger, who saw him in Washington in the winter of 1860-1, says: "Davis, by the way, impressed me that winter more agreeably than any Southern man I met. . . . To me he was a distinctively attractive as well as interesting personality. Of medium height and spare of figure, he had an essentially Southern face, but he was very much of a gentleman in his address—courteous, unpretending, and yet quietly dignified. A man in no way aggressive, yet not to be trifled with. I instinctively liked him, and regret extremely that it was not my good fortune, then or later, to see more of him."³

Much has been written of Davis's differences with his generals and those who were his associates in the government that is exaggerated and without foundation in fact; and the consequences of these

¹ *Lee the American*, p. 50.

² *Memoir*, I, p. 580.

³ *Autobiography*, p. 49.

differences have been unduly magnified. His estimate of Joseph E. Johnston's military abilities was probably incorrect; but it grew rather out of his own aggressive and positive character than from any personal hostility. He was a believer in affirmative action, and the Fabian policy of delay did not appeal to him. "It is worthy of remark," writes Walthall, "that of the six members of his original cabinet, three continued with him to the last, and a fourth, Mr. Memminger, so nearly to the last that he may virtually be reckoned as one of the same class,—withdrawing then only from motives of expediency, and not from any lack of friendly confidence. Of the six generals who held the highest rank in the army, four were in relations of the most cordial and confidential character with their Chief, until terminated by death in one case, and by the close of the war in the others."¹ His ability to agree with those whose official relations brought them in intimate association with him is illustrated by his career as a member of Pierce's cabinet, which remains the only cabinet in the history of the country that continued unchanged from the beginning to the end of the administration.

In his domestic relations, Davis was an affectionate son and brother, and a devoted husband and father. His attachment to his brother Joseph and his respect for his judgment and opinion were

¹ Walthall, *Life*, p. 52.

profound. Pollard, whose enmity was not only political but personal, charges him with subservience to the opinions of his wife, whom he denounces for her "luxurious tastes," and for her "excessive love of display."¹ But Pollard could see little good in the President's public or private life, and his charge of uxoriousness is only a part of his universal condemnation. Davis's devotion both to his wife and children was as just as it was sincere, and Mrs. Gorgas relates a touching story of him and his little son, whose accidental death has been narrated in an earlier chapter:

We were calling at the Davis house one evening, when through the half-open door I saw descending the steps a little figure, barefooted and in his night-robe. He came into the room, walked up to his father, and kneeling said his evening prayer. Mr. Davis laid his hand affectionately and reverently on the child's head, and bending his head, whispered the prayer along with the child.²

Though always from early childhood indicating a deep respect for religion, Davis made no profession of it until the period of the war. Both of his wives were Episcopalian, and in 1862 he became a member of St. Paul's Episcopal Church in Richmond. Reverend Charles Minnegerode, rector of the church, gave the following account of this event:

¹ *Life*, p. 360.

² Fleming, *Religious Life*, p. 333.

It was soon after his inauguration that he united himself with the Church. Our intercourse had become more frequent, and turned more and more on the subject of religion; and by his wife's advice I went to see him on the subject of confessing Christ. He met me more than halfway, and expressed his desire to do so, and to unite himself with the Church; that he must be a Christian he felt in his inmost soul. He spoke very earnestly and most humbly of needing the cleansing blood of Jesus and the power of the Holy Spirit; but in the consciousness of his insufficiency, he felt some doubt whether he had the right to come.

All that was natural and right; but soon it settled this question with a man so resolute in doing what he thought his duty. I baptized him hypothetically, for he was not certain if he had ever been baptized. When the day of confirmation came, it was quite in keeping with his resolute character, that when the Bishop called the candidates to the chancel he was the first to rise and, as it were, lead the others on, among whom were General Gorgas and several other officers.¹

As he was fully aware, during the progress of the war, of the hostility and adverse criticism on the part of many of his own people, so when it had ended he was conscious that some of the Southern leaders attributed to him the failure of the Confederacy. In regard to this attitude of those who held it, and to the demand of many in the North, in the time of his imprisonment, that he should be executed,

¹ Minnegerode, Address made in St. Paul's Church, Richmond, December 11, 1889, *Religious Life*, p. 332.

he exhibited a patience and courage that were fortified by his religious faith. The apprehension that he might escape punishment possessed the minds of hostile Northern politicians of that excited period. Oliver P. Morton, the governor of Indiana, telegraphed to President Johnson, November 14, 1865: "If there is no question of jurisdiction in the way, Davis can be indicted and tried in Indiana, as the rebel army, 5,000 strong, under the command of General Morgan, invaded the State. . . . There can be no difficulty in getting a jury that will do justice to the Government and to Davis." To this Johnson replied, on the same day: "Jurisdiction is one of the questions which has been much in our way. The place of trial must be determined hereafter. If the Court and jury find true bills against him, it would not interfere with a trial at any other place. Bills have been found against him at some two or three places in Tennessee, and in this District."¹

Of these evidences of hostility and of eagerness for his life, he said: "An unseen hand has sustained me, and a peace the world could not give and has not been able to destroy, will, I trust, uphold me to meet with resignation whatever may befall me. . . . If one is to answer for all, upon him (me) it most naturally and properly falls. If I alone could bear all the suffering of the country, and re-

¹ *O. R. Series II*, vol. VIII p. 798.

lieve it from further calamity, I trust our heavenly Father would give me strength to be a willing sacrifice.”¹

During his two years in prison he demonstrated a humble Christian character and faith. Doctor Craven says that the Bible and prayer-book were his usual companions, and a small worn copy of *The Imitation of Christ*, used by him during his confinement, testifies in its marginal notes and marks to the prisoner’s appreciation of certain of its most comforting passages.²

Perhaps few lives have been more dramatic than was his. Marked for hostile attack, both expected and unexpected; with ambitions shattered and patriotism thwarted; held in prison, untried, and under indictment for years; his once ample fortune lost, he beheld his young sons die, one after the other, and his earthly hopes vanish, and lived to survive the friends whom he had known and cherished in the period of his eminence and power.

He bore his misfortunes and sorrows with fortitude and resignation, and after his release from Fortress Monroe, he was “never bitter or impatient.” The proud spirit that had challenged tremendous intellectual and physical conflict became chastened by adversity, and his spiritual nature was strengthened by his experience. “With age

¹ *Religious Life*, p. 334; *Memoir*, II, p. 707.

² *Prison Life*, p. 172; *Religious Life*, p. 337.

I have gained wisdom and lost hauteur," he wrote to a friend.¹

After a tempestuous and tragic life, he passed in old age, consoled by "a reasonable, religious and holy hope," to a serene and quiet end.

¹ *Religious Life*, p. 342.

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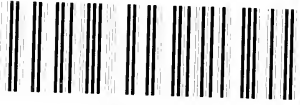
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